

ITEM 3

From: [Alyssa Gonzalez](#)
To: [Martha Ochoa](#)
Subject: FW: 34572 Camino Capistrano (APN 691-382-06) SPD23-0033
Date: Monday, June 24, 2024 8:40:47 AM
Attachments: [34572 Camino Cap All Docs Archive.zip](#)

Alyssa Gonzalez

Associate Planner

City of Dana Point – Community Development

(949) 248-3556 | agonzalez@danapoint.org

33282 Golden Lantern | Dana Point | CA 92629

From: Teri W. <Twk883@outlook.com>
Sent: Thursday, June 20, 2024 7:52 PM
To: Alyssa Gonzalez <agonzalez@danapoint.org>
Subject: 34572 Camino Capistrano (APN 691-382-06) SPD23-0033

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Alyssa,

Neighbors have been talking about a proposed ADU conversion/rooftop deck that they are concerned about at 34572 Camino Capistrano. We appreciate the city's enforcement efforts with the property, but the issues are ongoing and it's problematic approval of the proposed projects would lead to additional health and safety standards, nuisances and even greater enforcement challenges. I've compiled correspondence between neighbors and City staff and attached for further reference.

Thank you.

SITE_ADDR	CASE_NO	CASETYPE	CASE_NAME
34570 CAMINO CAPIS`	CE08-0026	15 PERMITS	BLOCK WALL NO PER
34570 CAMINO CAPIS`	CE09-0070	13 OTHER	Garage Sales
34570 CAMINO CAPIS`	CE10-0879	29 VEGETATION	bushes over sidewalk
34570 CAMINO CAPIS`	CE12-0647	31 OVERWATERING	overwatering
34570 CAMINO CAPIS`	CE15-0618	26 SHORT TERM REN`	advertise as short term
34570 CAMINO CAPIS`	CE15-1064	26 SHORT TERM REN`	advertise for Short Terr
34570 CAMINO CAPIS`	CE17-1108	26 SHORT TERM REN`	Failure to pay TOT
34570 CAMINO CAPIS`	CE17-1517	15 PERMITS	work without permits
34570 CAMINO CAPIS`	CE17-1575	26 SHORT TERM REN`	failure to pay TOT
34570 CAMINO CAPIS`	CE18-0103	26 SHORT TERM REN`	Late TOT
34570 CAMINO CAPIS`	CE18-0401	26 SHORT TERM REN`	Late TOT
34570 CAMINO CAPIS`	CE18-0744	26 SHORT TERM REN`	Failure to pay TOT
34570 CAMINO CAPIS`	CE18-1150	26 SHORT TERM REN`	(12-1-18) Late TOT
34570 CAMINO CAPIS`	CE19-0081	26 SHORT TERM REN`	Late TOT
34570 CAMINO CAPIS`	CE19-0124	20 TRASH	discarded couches in fr
34570 CAMINO CAPIS`	CE19-0606	21 CANS IN VIEW	cans in view
34570 CAMINO CAPIS`	CE20-1249	26 SHORT TERM REN`	Late TOT
34570 CAMINO CAPIS`	CE22-0291	34 STR NUISANCE VIC	host compliance comple
34570 CAMINO CAPIS`	CE22-0363	34 STR NUISANCE VIC	construction work on Su
34570 CAMINO CAPIS`	CE22-0426	34 STR NUISANCE VIC	hot line complaint of noi
34570 CAMINO CAPIS`	CE22-0471	15 PERMITS	possible unpermitted wc
34570 CAMINO CAPIS`	CE22-0592	15 PERMITS	STOP WORK
34570 CAMINO CAPIS`	CE22-0599	33 STR NO PERMITS	(9-23-22) advertise prop
34570 CAMINO CAPIS`	CE22-0852	35 STR OTHER	(12-23-22) place STR n
34570 CAMINO CAPIS`	CE23-0414	35 STR OTHER	Parking on sidewalk cor
34570 CAMINO CAPIS`	CE24-0335	33 STR NO PERMITS	Expired STR Permit (1`

STATUS

CASE CLOSED

CASE CLOSED

CASE CLOSED

CASE ACTIVE

CASE CLOSED

CASE CLOSED

CASE CLOSED

CASE CLOSED

CASE CLOSED

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CASE ACTIVE

STR at 34570 Camino Capistrano Update

K. Taps <ktaps02@msn.com>

Tue 11/22/2022 8:56 AM

To: bwisneski@danapoint.org <bwisneski@danapoint.org>; jrosaler@danapoint.org <JROSALER@DanaPoint.org>
Cc: Capo Cares <capocares@gmail.com>

 1 attachments (1 MB)

Parking Problem.pdf;

Brenda and Jeff,

As advised by you in our meeting with some of the neighbors, Brenda, Jeff, and Toni Nelson, we are streamlining and keeping you apprised of neighbor complaints arising from the STR at 34570 Camino Capistrano. The neighbors are also requesting a specific remedy in light of recent events and the long history of enforcement challenges with the property. On Friday (11/18) and Saturday (11/19) evening and Sunday (11/20) worker vehicles and workers were seen on and around the property. They unloaded materials quickly and turned on the lights in the garages facing Via California (where prior unpermitted work was conducted) and in the legal and illegal STRs. Workers stayed on the property for hours with drilling and banging noises emanating from the STR property before they departed in the late evening. Our understanding is there is a Stop Work Order on the property and the STR owner has been unable or unwilling to satisfactorily comply with the City's demands regarding building permits by an October 21 deadline.

Interestingly, workers at the STR property traveled between the STR at 34570 Camino Capistrano and the STR owner's family member's property located at 26382 Palisades Dr. Capistrano Beach. The same vehicles transporting materials and workers were seen on both properties with drilling sounds (even on Sunday evening) also emanating from the property located at Palisades Dr (the corner of Doheny Pl and Palisades Dr).

It is our understanding that at the City inspection at the STR property, the STR owner chose not to be present (neighbors actually saw him leave shortly before the inspection and return to the property right after the inspection) and had his wife and family member handle the inspection. As the STR owner has been a particularly bad actor (conducting work without permits, constructing and running a second illegal STR, lying and misrepresenting to neighbors and city officials, utilizing unlicensed workers and not paying them leading to collateral issues for neighbors, and engaging in a variety of machinations), we sincerely hope that his actions will not spread and become a part of a larger family enterprise of running nuisances throughout the City. The STR owner has already sought partners (even amongst our neighbors) to acquire other pieces of real estate for ventures such as running sober living homes.

We are also frustrated as a new STR guest checked into the STR property on Sunday evening and immediately blocked the public sidewalk. The STR owner actually instructs illegal STR guests to park on the street and his legal STR guests frequently park on and block the public sidewalk. The Dana Point Municipal Code § 5.38.080 explicitly states as a condition for Permit Issuance and Renewal, "6. The short-term rental must have a minimum of two (2) off-street parking spaces." The STR owner has failed and has taken no action to remedy this deficiency. Neighbors would also hope that the City would strictly enforce this provision of the Code as the STR property is on a corner lot and having the sidewalk blocked creates safety issues as young mothers with strollers, the elderly, and other residents are forced onto the street. Vehicles turning right onto Via California coming from Camino Capistrano do not have a stop sign and there is a significant safety concern if the sidewalk is blocked as both streets are heavily trafficked and vehicles are often seen traveling at higher speeds. STR guests, the STR owner, and their longer-term tenant often park on the street on both corners of the

street also elevating the safety risk as visibility is reduced for the cars turning onto Via California (i.e. they are less likely to see pedestrians that are forced to walk on the street).

Neighbors want to share and express the following sentiment: we never wanted to be involved in city politics, management, or enforcement. We are just hard-working people with families and lives that want our neighborhood to be safe. We try to do the right thing and be polite, but we feel that good behavior is being punished and bad behavior is being rewarded. When STR guests park on the sidewalk (causing the safety issues described above), we have polite conversations with them requesting them to not park on the sidewalk. A would-be violation is avoided and the STR owner never has to correct the parking situation and Code Enforcement never receives a phone call about the situation. This may benefit the City's enforcement numbers, but we cannot help but feel that our polite approach is backfiring. Neighbors have to continuously deal with the sidewalk being blocked essentially every time a new STR guest or visitor checks in. Respectfully, neighbors should not have to be confronting strangers (particularly in a time when people are not as friendly and sometimes a bit hostile) because the STR owner is allowed to continuously violate City Code. This previous year has been an absolute nightmare for several of our neighbors who had to tolerate a litany of issues including second-hand smoke from unlicensed workers doing unpermitted work, lights flickering from motion sensor lights as workers moved construction materials at night and banging noises disrupting the sleep of working-class people and their children as the STR owner conducted construction after hours to avoid obtaining permits, unscrupulous workers chasing down and intimidating neighbors taking pictures of the unpermitted work, sidewalks blocked, street parking taken away by STR guests, trash cans "borrowed" only to be returned with construction debris stuck to the bottom of them, our storm drains treated like a dumpster, and a variety of other issues that have led neighbors to lose faith in the City, some to just move away, and others to seek help and become involved in public discussions – solely driven by one bad actor's continued disruptions to the neighborhood and violation of City Code with impunity.

We take pride in our neighborhood and hope to cultivate a culture of appreciating the experiences of living in one of the most beautiful and welcoming places. It's unfortunate that one bad actor can significantly alter the experiences of so many. Respectfully, the neighbors request that the City revoke the STR permit for 34570 Camino Capistrano/26122 Via California. The STR owner has a long history of violating the Dana Point Municipal Code including violations related to TOT, conducting work without permits, leaving trash on the right-of-way, and not complying with parking rules. As the City finally sought enforcement mechanisms, the STR owner displayed a remarkable disdain for City authority and continued the same work without permits (e.g. a second tankless water heater was installed without permits within a month after the first was discovered without permits), a Stop Order was continuously violated, multiple false statements were made, and the STR owner began an outrageous campaign of attempting to hide unpermitted construction including having workers park half a block away and instructing them to drywall and plaster over unpermitted work. Bad behavior should not be rewarded and under § 5.38.090 the City "may" revoke the permit for failure to comply with the STR provisions and willful violations. Given the outrageous attempts to circumvent City authority and a serial history of repeat violations, reasonable minds would reasonably conclude that the STR owner willfully violated provisions of the Code. Further, the Code also explicitly states that for "a third violation the penalty shall result in the immediate revocation of the short-term rental permit." It seems that the STR owner has over 26 violations related to the property (note its APN is listed under both 34570 Camino Capistrano and 26122 Via California). Dana Point citizens would love the idea of continuing with our lives, enjoying our family time, and focusing on our work and enhancing our quality of life. We are unable to do so with the continued presence of a bad actor that has abused the "privilege" of a STR permit at the expense of the neighborhood (and given a bad name to the lawful STR operators out there) and who we feel can and will easily operate another illegal STR. With the permitted STR as cover, he has recently attempted to also rent out the illegal STR, despite City action. Neighbors would love to be relieved of our protracted

vigilance of the property and the STR issue; we certainly have much better things to do with our time. Please act on the overwhelming evidence, long history of noncompliance, and the authority granted to city officials in the Dana Point Municipal Code and put our community at ease so that we may all move on. The specific remedy that the neighbors request is

- 1) Revocation of the STR permit; and
- 2) Prohibition against future construction unless the property is brought under compliance with the current Code or a return of a property to its original state as a R2 duplex (meaning any supporting work including plumbing, electrical, interior walls, or entrances to support a higher density structure is reversed so they cannot easily transition it back to operating illegal STR(s) once neighbors and the City cease vigilance over the property). We believe this is particularly important as the STR owner has a history of transferring property between family members or family controlled entities who then could transfer the property back to him or allow him to retain control. The STR owner and his family have owned and operated properties through a variety of ownership structures including as individuals, LLCs, and FLPs.

Neighbors have had to deal with a wide array of nuisances over the past 12 months since the STR owner moved into the property allowing him to conduct illegal construction around the clock and all 7 days of the week (even on holidays) and engage in a variety of machinations. Even prior to his arrival, there was a long history of nuisances involving the sale of illicit services and substances, late or nonpayment of TOT, and unpermitted construction. We want to feel safe in our community and not be forced to act as quasi-Code Enforcement or turned into activists. We absolutely want to move on. Note, there are over 62 instances of residents asking STR guests to not park on the public sidewalk in 2022 alone. Based on our experiences, the STR owner's history of non-compliance, and the already nonconforming status of the building (the garage is nonconforming without the proper setback and the STR owner uses the garages as storage instead of parking and previously attempted a garage conversion), it seems unlikely that the STR owner will be able to abate the parking issue and provide the mandatory 2 off-street parking spaces for a STR or even the parking spaces required for a non-STR duplex under Section 9.35.080(E)(3) providing for a "Required" "4-car garage (with minimum 40' x 20' interior floor space) and one additional stall per duplex". Please provide the above remedies and take any other action(s) that sends the message that the City Code will be enforced and bad behavior will not be rewarded. Thank you.

Attached are pictures of the current STR guest blocking the sidewalk and pictures of just some examples of the many instances of STR guests blocking the sidewalk and creating safety issues for residents. The vast majority of these incidents (STR guests blocking the sidewalk) have not been reported to the City as we try to ask the STR visitors politely; however, these scenarios will become unlikely as neighbors are becoming increasingly frustrated and the STR visitors are not always friendly or receptive.


*We also request that you continue to honor and respect the anonymity of the sender of this email and the neighbors (and any potentially identifying information including email addresses and phone numbers). We all have valid safety and privacy concerns; throughout the process and recently, the STR owner and workers have been seen "grilling" neighbors and stepping/trespassing onto properties – even peeking into neighbors' windows (where they think they may have seen a camera flash) - attempting to discover the neighbors who are lawfully reporting violations to the City. For our safety, please keep us anonymous.

SITE_ADDR	CASE_NO	CASETYPE
34572 CAMINO CAPISTRANO C	CE10-0881	29 VEGETATION
34572 CAMINO CAPISTRANO D	CE08-0951	24 WATER QUALITY
34572 CAMINO CAPISTRANO D	CE08-0976	24 WATER QUALITY
34572 CAMINO CAPISTRANO D	CE14-0482	31 OVERWATERING

CASE_NAME	STATUS
bushes over sidewalk	CASE CLOSED
Overwatering	CASE CLOSED
Overwatering	CASE CLOSED
runoff & watering during day	CASE CLOSED



Construction

 34570 Camino Capistrano, Dana Point


Closed

 **Resolution:**


Aug 28, 2022

Close.

Description:
Property owners doing construction on a Sunday

 Request 2022-1496

 Reported Aug 28, 2022

 Code Enforcement Department

Public Comments

 **Code Enforcement Department**

Aug 28, 2022

Terri - Good evening. We will share your concern with code enforcement. If you have any questions, please call them directly at 949-248-3564. Thank you. Matt Sinacori

 **Code Enforcement Department**

Aug 28, 2022

Close.

Add a comment


Post

Short Term Rental Construction After Hours and Without a Permit, 34570 Camino Capistrano

CW Myer <CWMyer@outlook.com>

Tue 8/23/2022 11:31 PM

To:tharris@danapoint.org <tharris@danapoint.org>

 3 attachments (2 MB)

New pex pipe.jpg; Worker doing after hours construction .jpg; After hours construction .jpg;

The Short Term Rental Property located at 34570 Camino Capistrano has been conducting construction projects after 8 p.m. Please see the attached pictures that were taken yesterday, on August 22, 2022 that reveals one of these unpermitted projects taking place at 9:05 p.m. - in violation of the Dana Point Municipal Code.

Please note that this property has continuously pursued construction projects after hours and on Sundays to avoid following the law and obtaining a permit. This has proved frustrating to Dana Point citizens and guests who expect the Code to be enforced and to be able to enjoy our statutorily prescribed quiet time on evenings for children to do their homework and families to have quiet enjoyment. It is also unfair to other homeowners that follow the law and obtain required permits for construction projects. We have seen these STR owners repeat the same projects and have multiple issues as they attempt to complete projects without city approval and hire unlicensed, unqualified workers for plumbing, electrical, HVAC, and structural work without a permit. This is a nuisance to community members who are forced to put up with continuous illegal construction noise after hours and worries to surrounding properties in regards to collateral damage from improper workmanship. It is also unfair to licensed tradesmen and contractors who do the right thing and obtain the proper licenses.

These STR owners continue to violate Dana Point Municipal Code as they believe there will not be major consequences. After the Orange County Sheriff responded to multiple calls regarding illegal Sunday construction, Jim and Sonjal (the STR owners) called their workers back multiple times. The Sheriff came to the property three (3) times for the same issue of improper Sunday construction as the STR owners interpreted the Sheriff's warnings as opportunities to ignore the law and continue to be a nuisance once the Sheriff left. These STR owners have bragged to neighbors who complain that Jim can talk his way out of anything and that the city workers know him and won't do anything to him (we hope the rules are actually being enforced). Further a neighbor has researched the issue and it seems that this STR is frequently late on paying TOT and it would be curious to see if the correct amount of TOT is paid. This STR is frequently booked as evidenced by numerous out-of-state license plates and other plates that are not from the neighborhood and numerous vehicles that do not follow the rules regarding STR parking - 2 onsite parking spaces are not provided or the guests, tenants, and unlicensed workers frequently park on the city right of way or sidewalk.

In regards to the immediate issue inspiring this email, please cite and pursue all appropriate sanctions to stop the construction after hours at this STR. Also, please investigate the work without permits. Based off conversations with the unlicensed workers, the STR owner is trying to add another unit to run another STR or rental; and is also pursuing separating out the water for the units (to increase his potential profit); he is rerouting the plumbing for these purposes. Note, new blue PEX piping is visible in the single car garage from the picture. While other projects have been going on, the picture demonstrates a plumbing project being conducted without the proper permit after hours. Please assist the community in enforcing the Dana Point Code and stop these irresponsible STR operators from recklessly disregarding the City Code and being a nuisance to Dana Point residents.



Construction

26122 Via California, Dana Point

Closed

Resolution:

Nov 6, 2023

Close. Sent to Code Enforcement.

Description:

This owner was conducting construction on Sunday again. Recently, they've also had workers come by after hours on weekdays as well.

Request 2023-1605

Reported Nov 6, 2023

Code Enforcement Department

Public Comments

Code Enforcement Department

Nov 6, 2023

Terri - Good Evening. We will be sure your concerns are shared with Code Enforcement. For any follow up or questions, please contact them by phone at 949 248-3564. Thanks. Matt Sinacori

Code Enforcement Department

Nov 6, 2023

Close. Sent to Code Enforcement.

Add a comment

Post



3

Jun 19 4:29




March 12, 2024 12:00:17 PM PDT

STR Property @ 34570 Camino Capistrano- Work Without Permits

Steve M <bona_fide38@outlook.com>

Fri 8/5/2022 12:37 AM

To:tharris@danapoint.org <tharris@danapoint.org>

 7 attachments (3 MB)

Handyman Truck.jpg; Waterproofing and Metal Lath.jpg; Unpermitted water heater3.jpg; Unpermitted water heater4.jpg; Unpermitted water heater2.jpg; Unpermitted water heater.jpg; Work for unpermitted water heater.jpg;

Mr. Harris,

The short-term vacation rental property located at 34570 Camino Capistrano, Dana Point, CA 92624 has been performing work without permits. Please see attached pictures of an unlicensed contractor/handyman that installed a tankless water heater and conducted other plumbing work. He can be seen on the roof making a penetration through the roof to vent the new tankless water heater through the roof. There has been ongoing construction on Sundays and on evenings for the past several months. Handymen will spend the night onsite or work into late hours of the night so the owners – who are operating a short-term vacation rental (and seeking to add more units) are hoping to avoid detection and alter their property without permits and using lower-cost unlicensed contractors and handymen. We are concerned as the work does not seem to be conducted properly and it seems they are repeating the same work repeatedly. We have seen plumbing materials (including ABS piping), electrical wires, dimensional lumber, and other construction materials that involve projects requiring a permit transported into the property after normal business hours or on weekends.

It is our understanding that work performed without approvals and/or permits are in violation of Sections R105.1 and R108.6 of the 2019 California Residential Code (CRC) and Section 105 of the 2019 California Building Code (CBC), as adopted by the City of Dana Point, which states in part that no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Building Official.

Recently, handymen and other unlicensed workers have compromised and tried to redo the waterproofing and metal lath around the single-car garage door that has been altered or reinstalled multiple times. This is also the garage where the unpermitted plumbing work for tankless water heater also was conducted. An inspection of the property may also reveal the movement of pipes, other plumbing work, and electrical work that was conducted without permits (some of these projects have already been covered by new drywall – as this has also been seen entering the property). The property has a history of unpermitted work and been a general nuisance to neighbors. Please ensure that the property owners are complying with the City Code and building regulations which exist for a reason and to ensure health and safety. Thank you.


Enforcement questions re: STRs at 34570 Camino Capistrano

Teri W. <Twk883@outlook.com>

Tue 9/13/2022 9:35 AM

To:jrosaler@danapoint.org <jrosaler@danapoint.org>

Cc:bwisneski@danapoint.org <bwisneski@danapoint.org>;mkillebrew@danapoint.org <mkillebrew@danapoint.org>; capocares@gmail.com <capocares@gmail.com>

 1 attachments (2 MB)

Summary.pdf;

Dear City Officials, Code Enforcement, or Anyone Who Can Help,

Please keep the identity of the Sender of this Message including Name, email address, or any other identifying markers anonymous. The owner of the violating property and some of his workers have adopted a threatening tone to people speaking out about suspected violations of the subject property. Further, the owner of the violating property hinted to some of the tenants in the area that he knows the owners of the other properties and that their rental rates and even tenancy may be at risk.

Below is information shared for the benefit of the public and there are several queries including:

1) Are holders of a STR permit able to add additional units on the same property without applying for a new or additional permit?

Background: The owner of 34570 Camino Capistrano (aka 26122 Via California), Pankaj Kadakia, has a permit for one STR. He has been advertising a 2 bedroom, 1 bathroom unit with a kitchen, living room, and deck/patio that sleeps 6 on various sites including VRBO and bringfido.com. In addition to this unit – listed with the same description and specification – he is now listing a 1 bedroom, 1 bathroom unit on various websites such as VRBO.

2) If additional STRs are allowed on the same property, should there be additional inspections to ensure compliance with the Municipal Code and others (e.g. the STR provisions set forth in 5.38 such as Parking Requirements and Advertising)?

Background: The owner of the subject property has been reported repeatedly for not providing the 2- onsite parking spaces for his permitted 2 bedroom STR. Guests have taken parking spaces from neighbors and residents. The STR guests have also repeatedly parked on the city sidewalk; as a corner property, this parking activity has been particularly burdensome as the elderly (some in walkers and wheelchairs) and young mothers with strollers are forced out into the street as they walk from Via California and onto Camino Capistrano. The property has an attached garage that is nonconforming without the proper setbacks. This has proven to be a challenging parking situation as their guests, workers, and the STR owners do not park in the garages and instead choose to park in front of the garages and block the sidewalk or take away from the neighborhood parking. Sometimes, if there enough complaints, the STR owner will try to have the STR guests, their own vehicles, and longer term tenant(s) park in a bizarre Tetris style arrangement that often still blocks the city sidewalk or creates other issues. The fact there is a utility pole right next to driveway (of the nonconforming garage) of the property also raises safety issues. The utility pole was slightly struck by a guest foreshadowing what could happen if the parking issue is not resolved. A second STR on the same property will exacerbate the challenging parking situation that may already be noncompliant.

Further, neither STR postings have complied with the City's rules regarding Advertising and do not provide a permit number on their photographs. Indeed, even when there was only one advertised STR, they did not provide a permit number on their posting.

3) What are the appropriate remedies or sanctions for a STR operator that repeatedly violates the rules regarding construction including:

- following the allowable time frames for construction (e.g. not conduct construction on Sundays, holidays, or after hours)
- receiving the proper permits PRIOR to construction, following the scope and not exceeding the bounds of any permits (including not lying to neighbors or officials about the scope of projects or the intent to get permits or temporarily taking down the evidence of unpermitted work only to add them when the cases are “closed” or no one is watching), and
- utilizing workers that are licensed or bonded to avoid placing the Dana Point, residents, neighboring properties, and guests at risk.

Background: For over 9 months, neighbors have seen evidence of what appears to be unpermitted construction. In a red curtained off area on the patio on Camino Capistrano nearest to 34574 Camino Capistrano with a possible connecting entrance from the Via California side, there has been a large stash of a wide array of construction material including dimensional lumber, Romex, PVC pipes, building paper, waterproofing, flashing, drywall, and others. These materials have been used or moved as the types of construction material in this area have constantly changed. Workers have been seen on ladders conducting a variety of work including confirmed electrical and plumbing work to the interior and exterior of the properties. There was a substantial amount of other work and movement that appeared to include duct work, a remodel and/or an addition, and some kind of other piping work in the inside of the property. This work has been conducted at various times of the day and on several Sundays, even holidays, and after hours. The work is conducted by workers emerging from unmarked vehicles (there is no company marker on their vehicles). One disgruntled worker remarked that the STR owner does not pay and tries to make up for the lack of pay by offering “free stays” on the property instead of paying the full rate or at all. Another worker – who also quit - reported that the STR owner exploits workers who are undocumented or unlicensed and mentions to them that it is a misdemeanor to collect on unlicensed work. Neighbors have seen workers quit on the job and new workers (also appearing to be unlicensed) complain about the lack of workmanship of prior workers. Disgruntled workers have actually slept in their cars overnight around the property and the STR owner has, astonishingly, called the Sheriff on his own former workers claiming there is a “disabled vehicle” near his residence.

We recently have seen city officials come out to the property looking at exterior of the property. Unfortunately, the STR owner called his workers back to the job site after city officials left. This fact pattern has happened other times (the STR owner not taking enforcement or rules seriously). For example, when law enforcement officers responded to calls reporting Sunday construction, the STR owner lied to law enforcement officers claiming it was “emergency construction” and that he was just cleaning up. In fact, the STR owner was hanging drywall in a garage (possibly to do a conversion) and updating the garage door and weather seal (perhaps to make the interior of the garage livable). Astonishingly, the STR owners called his workers back to the property after the Sheriff left. This process repeated 3 times on the same day. The Sheriff was forced to stay on the third visit to ensure that the STR owner would actually stop Sunday construction. Currently, the STR owner temporarily moved some new light fixtures and cameras and hid new wiring after he was reported for unpermitted electrical work. This new wiring was hidden in the wall (he is attempting to paint and plaster over certain areas to hide evidence) and the new fixtures (using the new wiring that was not permitted) has now been put back up.

They have previously attempted to hide unpermitted construction. Please note the patchwork of different exterior stucco colors. They will plaster over unpermitted construction work and attempt to

match the paint (but it is visibly different as they are from different times and their color match does not seem very precise).

4) Does the City of Dana Point allow an owner of a corner lot to utilize two different addresses with only a single APN and interchange them as it suits them?

Background: The owner of the subject property uses either 34570 Camino Capistrano or 26122 Via California depending on what is temporarily advantageous or preferable to him. He has "bragged" to neighbors of the convenience of having 2 addresses and what he can do with them; he reports being able to receive multiple financing using two different address – particularly if he is able to have the loans funded within a certain time window. He also double-dips on trash pickup; he has trash picked up on Wednesdays on the Via California side and on Fridays on the Camino Capistrano side. A query to CR&R in the Spring revealed he only has 1 account for 1 set of bins for 34570 Camino Capistrano despite leaving 6 or more sets of bins on both Camino Cap and Via Cal. He has previously permanently "borrowed" neighbors' trash bins – especially ones from tenant properties and utilized them to dispose of construction debris and avoid further detection (by not having to use a construction dumpster rental) and avoid dump fees. Having 6 sets of bins and using the black, green, and brown bins (and not following the proper use of these bins) – gives him access to 18 or more bins used on Camino Cap and Via Cal; 18 bins times 2 pickups a week equals 36 bins of trash pickup – and slowly spreading construction over months allows him to covertly dispose of construction debris. Note, we also have seen suspected illegal dumping activities. His workers will load construction debris onto pickup trucks and other vehicles, return with empty loads, and repeat on Sundays despite the fact that the County dump in San Juan is closed on Sundays. Neighbors have also reported that the STR hotline previously only recognized and received complaints for the 26122 Via California address; now the STR hotline only recognizes and receives complaints for the 34570 Camino Capistrano address.

5) Does the City of Dana Point allow the owner of a property zoned in what appears to be described as "Residential Duplex" transform and add more units to his property so that it is now a 4plex and potentially more?

Background: The owner of the STR lives in one unit; a long-term tenant who has been arrested and who has been accused – along with another guest who he was "partying" with - of drugging and raping/sexually assaulting a woman walking with her dog on Camino Cap lives in another unit; there has been an advertised 2 bedroom, 1 bathroom STR; and now a new 1 bedroom, 1 bathroom STR. There are also reports of plans for a garage conversion to add another unit, part or a whole of another garage that has already been in converted (this is reportedly on the Camino Capistrano side), and another space above the garage on the Camino Capistrano that is currently also in process of being converted to another rental and has already been rented out as a sleeping quarter for guests or workers.

Over the weekend and even after midnight last night, unlicensed workers continued to work on the property. Notably, last night the STR owner had his handyman driving a dark Ford pickup, license plate 85786E3 return to work on the property after hours; neighbors noticed he was primarily working in the 2 car garage facing Via Cal. Lights flickered from their newly installed motion sensor lights at a Via Cal side entrance as he moved back and forth obtaining tools or equipment and conducting work - and making noise. He was seen on a stool changing something in the back side of the garage and the side of the property. The STR owners do not appear to be deterred from conducting work after hours or on weekends.

We understand the challenges of executing Code Enforcement and ensuring compliance; we also understand that it may be particularly frustrating as the STR operators of the subject property seem to adopt the attitude of actively avoiding compliance and finding ways to circumvent the law and cheat it.

Please see the attached pdf of some of the neighbors' summarized notes and observations regarding the subject property.

We want to keep Dana Point a beautiful and safe place to live and we appreciate your attention to the matters described above. Thank you.

Re: STR 34570 Camino Capistrano continued work

K. Taps <ktaps02@msn.com>

Mon 10/10/2022 3:20 PM

To:Capo Cares <capocares@gmail.com>;Jeff Rosaler <JROSALER@danapoint.org>

Jeff,

In regards to capturing “factual” evidence, the residents will try to help; however, the challenge is the practical reality that we should not be expected to place ourselves in danger. Some of the workers appear to be unsavory characters and there have already been incidents of intimidation and one worker chasing a neighbor who was trying to take pictures of unpermitted construction from a public sidewalk. Further, they often load and unload construction materials quickly, when they conduct interior work they will close window treatments and for the garage they have frosted the windows (prior to conducting plumbing and other work), and for exterior work it is a bit intimidating to openly snap photos or take video to capture the construction in real-time – particularly when they often have another serving as a lookout as they have learned that neighbors are watching. Respectfully, the white work truck from the most recent Friday (that a neighbor was able to capture several pictures of) is not a long-term or STR guest and has several ladders and tools in the bed of the truck. It was at the property for hours and there were work-related noises coming from the property. We have tried to have neighbors install time stamps on their camera phones to indicate the date and time. These apps often have a bit of a lag time compared to snapping a normal picture. We will continue to capture evidence as it comes, but I’m sure you can sympathize with our priorities of maintaining our safety as we try to help. Logically, work trucks and workers do not appear on a property with tools and stay there for hours without an intent to work and actually working on a property.

The problem is not just the longer-term tenants – though they are also entangled in issues related to the STR(s) and the unpermitted work conducted to support them.

The overall management by the STR owner presents a myriad of issues. Longer-term tenants on the property have reportedly engaged in a variety of illicit activity related to promotion, solicitation, and distribution of illegal services and substances. The STR owner is aware of these activities and tacitly supports them. Indeed, he has hired workers who are confederates of the longer-term tenant (allegedly involving in sex crimes and distribution of controlled substances) and has an agreement where he can store construction materials in the area of the longer-term tenancy.

However, the short-term rental and activities related to it have given rise to the following (not exhaustive list) that has created significant nuisances in the neighborhood:

1. **Access to the public sidewalk:** The STR owner has not been able to provide the 2 off-street parking spaces. Note, there are 4 or more separate living quarters on the property (in an area zoned for a duplex) with the garages not exclusively utilized for parking and garages on one side of the property that are nonconforming without the proper setback exacerbating the issue. Neighbors are continuously forced onto the street as the STR guests park on or obstruct the sidewalk. We are forced to remind each and every new STR visitor and all of their guests to not block the sidewalk. Neighbors are beginning to think the STR owner is “rewarded” with exponentially fewer violations as the neighbors police the STR parking directly and try to enforce the parking issue instead of flooding the STR hotline or the Dana Point App with each and every violation. For 2022, there could have been at least a hundred calls for the parking issue alone to the STR hotline if neighbors did not take the approach of policing their neighborhood without Code Enforcement. Regardless, neighbors should not have to act as Code Enforcement or be forced to educate every STR guest. We are hoping for a permanent solution;

2. **Health:** In an over 10-month effort to add units and alter the property without proper permits or procedure, the STR owner has hired workers who are unsavory and frequently worked overnight or stayed overnight on the property in exchange for services. These workers often smoked outside and in public areas. Second-hand smoke of various products (not just nicotine) seeped in through bedroom windows. A mother who lived right next door to the subject property with her two young children and recently moved noted (among several other issues) the constant second-hand smoke that her children were subjected to.
3. **Noise Pollution:** California has noise laws including Health and Safety Code 46000. ... (f) All Californians are entitled to a peaceful and quiet environment without the intrusion of noise which may be hazardous to their health or welfare. (g) It is the policy of the state to provide an environment for all Californians; AND under the guidelines of Section 415 of the California Penal Code, it is illegal for any resident to knowingly create loud and unreasonable noises. Dana Point also has local ordinances establishing the permissible times for construction. The STR owner has continuously violated these ordinances – even violating the stop order in an effort to evade detection to add to or alter his STR property;
4. **Trash receptacle theft:** Again, to avoid detection and save costs by not paying for a proper dumpster rental, the STR owner has taken or utilized neighbors trash bins to dispose of construction debris. This has allowed the STR owner to have up to 36 bins of construction material picked up in one week; he placed bins out on Via Cal on Wed and Camino Cap on Friday with 6 bins of each color (there are 3 colored bins for different items); 18 bins on each side for a total of 36 bins. We have had our trash bins returned with remnants of construction debris and dry mortar and other material. Some of us never had our trash bins returned;
5. **Conservation concerns:** Like other DP residents, the majority of our neighbors are conservation minded with a love of the ocean. It is alarming to see evidence of our storm drains (everything drains to the ocean) utilized to dispose of construction and automotive fluids. Some of the workers who have conducted the unpermitted construction on the STR had vehicle issues and worked on their cars right in front of storm drains and did not properly dispose of these liquids.
6. **Fire and liability concerns:** The properties in the area are relatively close together. Seeing 110 power extended, electrical work, and other work conducted by unqualified individuals is alarming. There already have been 2 electrical fires from the STR property. It also is not reassuring to see work hidden in walls. We hope the City was able to catch any and all work and will have the STR owner open up walls to catch all potentially unpermitted and hazardous work;
7. **General safety:** There are continuously new sets of workers working on the property. They often argue with one another and with the STR owner. There are threats and foul language coming from the property as disgruntled workers work on and leave the property in an enraged state. Neighbors are concerned that one or more of these workers may escalate these grievances and lead to further collateral issues for neighbors.

For the above and other reasons, the bulk of the problems related to the property are stemming from the STR and the STR owner's desire to alter or expand it. Longer-term tenants have also created issues and the overall management of the property has led to nuisances that impact the community.

We appreciate the City's approach of voluntary compliance. Voluntary compliance is likely appropriate when the owner of a property is a first-time offender and may lack means or sophistication. In this scenario the STR owner is a chronic, repeat offender who – by his actions – is flagrantly violating known rules and orders. It is a rare individual who is issued a stop order, but is willing to experiment with conducting work way after hours ranging from 9 p.m. to 1 a.m. or have his workers quickly drop off materials, park far away, post lookouts, intimidate neighbors taking pictures of unpermitted construction from public sidewalks, and stay overnight on the property. It is also unscrupulous and reveals an unconscionable disdain for the law to actively conceal evidence of wrongdoing including plastering or drywalling over work and even have workers show up to a property the evening before an inspection and work throughout the night to paint over unpermitted construction.

Ignorance of the law is not a defense and, in this case, the STR owner knows that his actions are in violation of the law. He owns and manages properties in several counties throughout California and has been able to experiment with various ownership structures including sole proprietorships, FLPs and sought to change ownership structures when he feels it suits him. The STR owner, unfortunately, expends his experience and energy to create nuisances.

Respectfully, the neighbors believe that the STR owner should not be rewarded for bad behavior. We hope that Code Enforcement utilizes all its tools at its disposal including referral or partnership with other City assets or entities to find a permanent solution. The STR owner should no longer have the means to quickly transition into continued noncompliance and violation of the law – which would necessitate additional neighborhood vigilance and City action. The STR owner knowingly purchased a property that is zoned R2, a residential duplex. It should be returned to that status and any and all entrances, plumbing, electrical, interior walls or other work that deviates from the original plans for a R2 property should be reversed.

Prior to our experience with the subject property, the majority of the neighbors appreciated City governance but took little interest in it. We had neighbors never attend City Council meeting who are now galvanized because of one bad actor. Many of us are working class, have families to take care, and have frequent demands on our time. We do not want to be in a position to continuously have to police one bad actor causing such a wide array of issues or have to look up City Code or ordinances. We want to enjoy our neighborhoods and Dana Point. At a recent City Council meeting several Council Members stated that the a STR permit is a privilege, not a right. Reasonable minds would likely conclude that the STR owners has gone far beyond abusing the privilege. His actions also reflect poorly on the STR operators who respect and comply with the City Code. Please utilize the tools that you have at your disposal. The City Code references the conditions for a STR in § 5.38.080 that state several requirements as mandatory indicated by the word “**shall.**” Several of these conditions appear to be violated. Further, § 5.380.090 provides the violations and penalties including the revocation of a permit. It seems that a STR permit can be revoked under section (a) for a multitude or reasons including

1. The owner and/or agent has failed to comply with the standard conditions specified in Section 5.38.080(a);
2. The owner and/or agent has failed to comply with conditions imposed by the Director of Community Development pursuant to the provisions of Section 5.38.080(b) or (c);
3. The owner and/or agent has willfully violated the provisions of this Chapter;
4. The owner and/or agent has failed to comply and pay any fines imposed pursuant to subsection (b) within thirty (30) days of the date of notification; or
5. The owner and/or agent has failed to comply and pay the transient occupancy tax or submit a report as required by Chapter 3.25 of this Code within the required time limit.

In (b), the language states a mandatory “For a third violation the penalty **shall** result in the immediate revocation of the short-term rental permit.” Respectfully, the plain language of the City Code provides that under § 5.380.090(a), the City may revoke a permit for certain violations (even first time violations) and under § 5.380.090(b), the City must or “shall” revoke a permit for a third violation. We are patient people, but we are respectfully requesting that the City enforce provisions related to the STR, revoke the permit, and ensure that the STR owner or any future owner cannot operate the property beyond what is permissible for a R2 (residential duplex).

Thank you.

From: Capo Cares <capocares@gmail.com>

Sent: Monday, October 10, 2022 9:16 AM

To: Jeff Rosaler <JROSALER@danapoint.org>
Cc: K. Taps <ktaps02@msn.com>
Subject: Re: STR 34570 Camino Capistrano continued work

No, it's not. STR visitors block the walkway continuously. Kristen can you confirm that?

The illegal STR should be cause alone, plus the unpaid TOT. Why would you let someone keep a permit while they flagrantly ignore the rules and open an illegal unit with unpermitted renovations? I think most residents would find that preposterous.

On Mon, Oct 10, 2022 at 9:05 AM Jeff Rosaler <JROSALER@danapoint.org> wrote:

Toni.

It seems most of the issues arise from the long term renters at the property? Is this not correct?
Jeff

From: Capo Cares <capocares@gmail.com>
Sent: Monday, October 10, 2022 9:01 AM
To: Jeff Rosaler <JROSALER@DanaPoint.org>
Cc: K. Taps <ktaps02@msn.com>
Subject: Re: STR [34570 Camino Capistrano](#) continued work

Thanks. I hope his permit isn't allowed to stand. Even if he complies at this late date, he's the poster child for an egregious STR owner.

On Mon, Oct 10, 2022 at 8:54 AM Jeff Rosaler <JROSALER@danapoint.org> wrote:

Toni,

The owner has until October 21, 2022, to secure building permits. If he fails to do so further enforcement actions may be taken.
Jeff

From: Capo Cares <capocares@gmail.com>
Sent: Monday, October 10, 2022 8:53 AM
To: Jeff Rosaler <JROSALER@DanaPoint.org>
Cc: K. Taps <ktaps02@msn.com>
Subject: Re: STR [34570 Camino Capistrano](#) continued work

So there are no consequences to the STR permit despite all these violations, including running an illegal STR in the same building, repeated ongoing parking violations and repeatedly paying TOT late? Is that correct?

On Mon, Oct 10, 2022 at 8:25 AM Jeff Rosaler <JROSALER@danapoint.org> wrote:

Kristen and Toni,

The report was provided to the homeowner. There is an extensive list of unpermitted work and improvements that will need permits. The owner has until October 21, 2022 to secure permits. No work should occur until these permits are secured. Please let us know factual information about people working on the home in real time so that we can send someone out to ensure that work is not occurring.

The permitted STR is at [34570 Camino Capistrano](#). This is the correct address for the unit that the STR is in.

Jeff

From: Capo Cares <capocares@gmail.com>
Sent: Saturday, October 8, 2022 7:03 AM
To: K. Taps <ktaps02@msn.com>
Cc: Jeff Rosaler <JROSALER@DanaPoint.org>
Subject: Re: STR [34570 Camino Capistrano](#) continued work

Thanks Kristen. Jeff, are you getting any closer to definitive action on this? Neighbors are getting understandably frustrated.

Thanks,

Toni

On Sat, Oct 8, 2022 at 1:23 AM K. Taps <ktaps02@msn.com> wrote:

Jeff,

A worker truck and workers were spotted working at [34570 Camino Capistrano](#) on Friday afternoon, 07 October 2022. In our last status update, you made clear there is to be "absolutely no construction of any kind, not even landscaping."

Please provide an update of the investigation. The neighbors are curious what the City's next steps will be. One neighbor wanted me to communicate to you that we have lost 4 neighbors (4 separate family units) that have moved within the past 7 months - who were affected by the nuisances of the subject property. Our most recent loss is a mother and her 2 young children who did not feel safe living next to the subject property. She lived right next to STR and moved out this week.

A neighbor also wanted me to forward the following observation and questions: the STR owner misrepresented his address and valuation in his application for the unpermitted tankless water heater. He lists the Valuation as \$0 and his address as a Palos Verdes address ([5753 Ironwood Street](#) in Rancho Palos Verdes). The STR owner moved into the Dana Point STR property to secure two owner-occupied low interest loans. Please see the attached rental listing for his Palos Verdes property where the STR owner makes several false statements he's moving for "family reasons" and he is a "first time landlord." Note, he owns multiple other properties in various areas including Riverside County. At least in regards to his Dana Point property, is the STR owner allowed to - without penalty:

- 1) Make false statements, material omissions, or misrepresentations on City documents and applications (e.g. in regards to addresses, use of licensed contractors, qualifications for exemptions, valuation, workmen's compensation, and other queries) as he submits paperwork after being caught multiple times in his work without permits;
- 2) Commit the same violations without an added escalation in penalty or fees or prohibition. The STR owner operates as if there are no or negligible consequences for violating rules or the City Code. Throughout the history of him owning the property, he has been caught committing the same violations including work without permits (in 2008, 2017, 2020, 2022), operating a STR without a permit, late or nonpayment of TOT, obstructing the sidewalk or public right-of-way, and others. Recently, he was caught installing a tankless water heater without a permit. He applies for this permit after being caught and then installs another tankless water heater without a permit and conducts work after hours. He also made multiple penetrations to the roof - also

without a permit - in support of these unpermitted fixtures. Respectfully, the STR owner does not seem to take Code Enforcement seriously and has a shocking disregard for following the rules;

3) Continue utilizing two addresses for the same APN. Allowing an individual who is willing to engage in deceit with a history of machinations should not be allowed two addresses for the same property. For example, CC and R and other services have been manipulated with the use of two addresses as the STR owner attempted to hide unpermitted construction with trash picked up twice weekly while only paying for one fee (please see prior emails regarding as many as 36 bins picked up in one week for this property: they put 6 cans out of 3 different colors on two streets Wed and Friday) The violations and permits should be merged into one address to prevent confusion. When neighbors called into the STR hotline, neighbors and the hotline operator were confused regarding the address and several incidents may have gone unrecorded. A resident also noticed that even the most recent applications for the unpermitted work (related to the instant investigation) use either the Camino Cap or the Via Cal address.

We are encouraging the perception among our neighbors of Code Enforcement and residents working as a team with the common goal of reigning in bad actors and enhancing the beauty and safety of our neighborhoods. We're happy to help, but we are getting a bit frustrated and we're losing neighbors.

Where
26122 Via California, Dana Point, C...

Check-in
10/09/22

Check-out
10/16/22

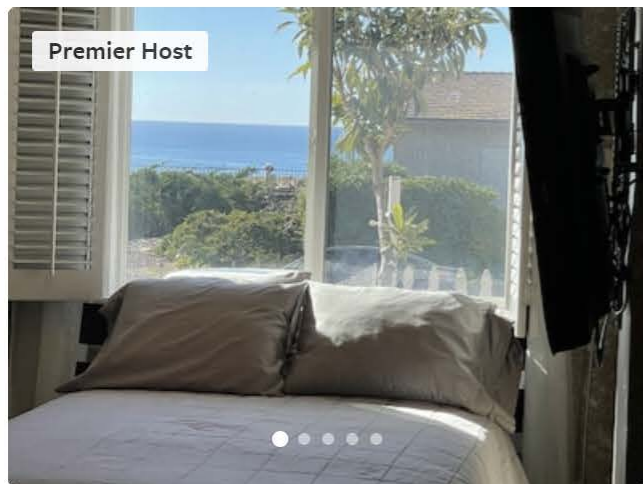
Guests
1 Guest

Filters Popular Price Rooms & spaces

26122 Via California, Dana Point, CA 92624, USA

300+ properties Sort

Need flexibility? We've got you.
Some places let you cancel for free closer to your check-in date. Check the property's policy for details.



House

Dana Point Ocean Front Studio

Sleeps 1 · 1 bedroom · 2 beds

★ 4.9 rating on other travel sites

\$142 /night

\$1,196 total



Condo

Beautiful Capistrano Beach Vacation Home

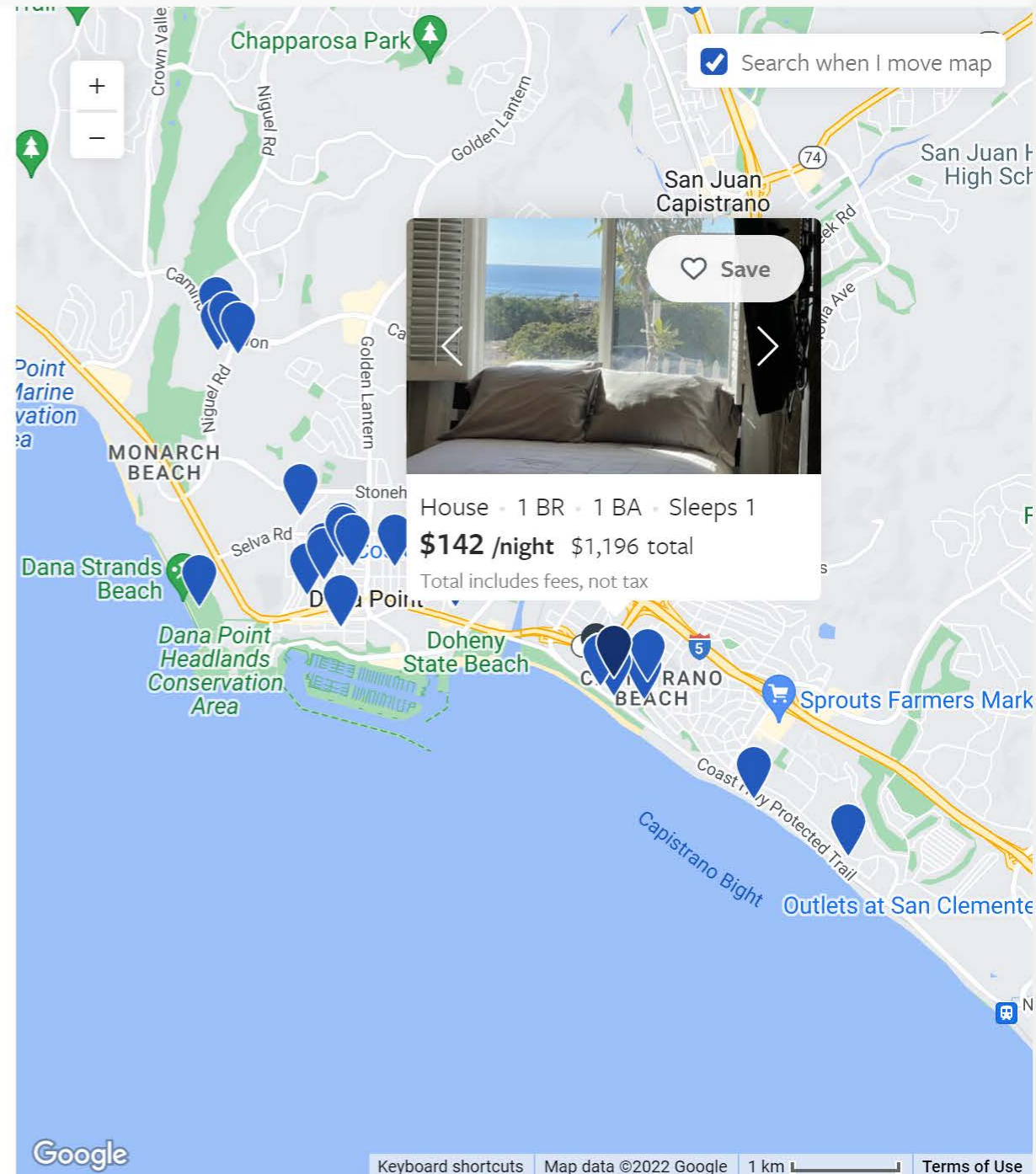
Sleeps 6 · 2 bedrooms · 2 beds

Wonderful! 4.9/5

★ 4.9 (31 reviews)

\$299 /night

\$2,488 total



Months of violations and unpermitted construction resulting in new, unpermitted STR at 34570 Camino Cap

CW Myer <CWMyer@outlook.com>

Sun 9/11/2022 8:10 PM

To:jrosaler@danapoint.org <jrosaler@danapoint.org>

Cc:bwisneski@danapoint.org <bwisneski@danapoint.org>;mkillebrew@danapoint.org <mkillebrew@danapoint.org>; capocares@gmail.com <capocares@gmail.com>

📎 6 attachments (9 MB)

Current STR 2 bedroom advertisement.pdf; Illegal STR.pdf; Illegal STR listings.PNG; Original STR 2 bedroom Advertisement.jpg; STR 1bedroom Entrance on Via Cal.jpg; STR 2bedroom Entrance on Camino Cap.jpg;

Dear Mr. Jeff Rosaler and City Officials,

This email is prompted by months of frustration that residents in Capo Beach have experienced due to the activities arising out of a STR property located at 34570 Camino Capistrano. The property is a corner lot and they use 26122 Via California as an alternate address when it suits them. Both addresses have the same APN number. They have a permit to run ONLY ONE short term vacation rental. However, they appear to have been conducting unpermitted construction for months, converting their property to add extra units to rent. Neighbors have been reporting the STR operators' illegal activities including after hours, Sunday, and holiday construction activities as they have seen them - even prior to Spring.

In a recent phone call with Code Enforcement, Ted Harris claims that a STR operator can split an existing STR into two. Note, that this STR has been advertised as 1000 sq. ft. 2 bedroom, 1 bath with a Kitchen, Living Room, and Patio. This STR is still advertised with the same specs and there is a new STR on the same property with the same host, "Sonal." The new STR is described as 1 bedroom, 1 bathroom with a kitchenette. They are simultaneously advertising and renting out their original STR with the same specs as before.

Thus, this does not appear to be a split as Ted Harris thinks it is, but a new STR. Also, query as to where the extra bathroom came from. It is also troubling if Ted Harris' stance on the permissibility of a STR split is allowed to stand - STR operators could now split their STR and run two STRs raising additional questions such as parking requirements. Respectfully, it is our understanding that city officials have not inspected the interior of the property where substantial work has been conducted. Further, the STR owner does not appear to take code enforcement or nuisance calls seriously. After complaints of blocking the sidewalk, his guests' temporarily move their cars off the sidewalk only to park on the same sidewalk blocking residents' right-of-way as pedestrians just hours later; unpermitted electrical work is temporarily removed only to be put back up with new unpermitted electrical added just a week later; Sunday construction is stopped when Sheriff arrive, only to be continued after they leave. The STR owner, unfortunately, does not seek to follow the rules or safety codes, but rather treats them as annoyances that he can avoid, talk, or deceive his way out of.

These unscrupulous STR operators have already begun "hosting" multiple separate parties for their short term vacation rental business. They have already rented out both STRs simultaneously to two independent parties. Looking at the "Rates and Availability" section on VRBO, the STR operators are renting out both units simultaneously and now can double collect on two separate fees: "Cleaning" and "Property Damage Insurance." The week of August 22nd, they had guests driving a white Ford Explorer with Nevada plates, number GVMESLT and white Toyota Avalon stay in their 2-bedroom short-term vacation rental (this one is permitted). Simultaneously, they had another guest stay in their NEW, ILLEGAL UNPERMITTED 1-bedroom short-term vacation rental. This guest is still present in the unpermitted short-term vacation rental. The guest in the unpermitted STR enters the property through a gated entrance that has a new keypad for the entrance on the Via Cal side. They drive a newer dark colored Kia Sorrento AWD SUV, license plate number 8ZPC314. This vehicle is often parked in the driveway on the Via Cal side. This week, they have new guests at the 2-bedroom permitted STR with an entrance on the Camino Cap side. These guests arrived in a white crossover SUV.

Throughout the protracted time period of unpermitted construction, they have also allowed unlicensed handymen and workers to stay at their property at a low cost or in exchange for their labor. The workers have discussed this arrangement with neighbors. They have added new unpermitted construction including electrical and plumbing work throughout the property including a balcony (above the garage) on the Camino Cap side where they added a refrigerator and a simple bed. We have seen other guests and workers stay in this space. One worker revealed that the STR owner plans to finish this space (the balcony above the garage) and close it off with walls and rent it as another unit.

We have seen the STR operators blatantly lie and misrepresent their actions to neighbors, city officials, and the Sheriff. They reflect poorly on honest, and law-abiding STR operators and are contributing to the stigma against STRs because of their unlawful actions. Guests and workers (staying over-night) at this STR property have confirmed that they are not provided any rules regarding STRs in the City including receiving a copy of the Good Neighbor Acknowledgement or seeing it posted in a conspicuous location. There also is not a copy of the City's short-term rental regulations in a visible place that is accessible for their guests. Some workers have also reported not being compensated for their unlicensed services and have lingered around the property sleeping in their vehicles or working on their cars on Via Cal and Camino Cap creating an additional nuisance in the neighborhood.

In their advertising, the illegal STR operators do not follow Chapter 5.38 of the Dana Point Municipal Code, which provides, *"All advertising for the short-term rental shall include the City issued short term rental permit number in the subject description of the property. In addition, all photographs of the property that are used for advertising purposes shall impose the City issued short-term rental permit number in the lower right-hand corner in an appropriate font, style, size, and color to be legible."* Nowhere on either their permitted or illegal listings do they provide their Dana Point permit number.

The advertisement for their illegal, unpermitted STR also does not provide for onsite parking and instead states *"Plenty of **parking spaces on the street**"* in direct opposition to the requirement for two (2) onsite parking spaces. The STR operators are instructing their guests for the illegal, unpermitted STR and their OTHER, UNPERMITTED, illegal rental activities for other spaces on their property to park on the street taking away precious parking in an already dense area where parking can be scarce. Note, Chapter 5.38 requires "a minimum of two (2) off-street parking spaces." Again, only one STR is permitted, but there are now 2 STR's advertised on VRBO in addition to the other spaces in the property that were illegally (and without a permit) created and also being rented out in exchange for labor or money. Also, note that it is doubtful that the STR owners are paying TOT or reporting the income from these exchanges.

Please enforce the Dana Point Code and stop these STR operators from making a mockery of the Municipal Code, the City, and the neighborhood. They believe they can do whatever they want and there will be no serious repercussions. The fact they conducted their construction actions without a permit, after hours, and covertly demonstrates they know what they are doing is wrong. The fact they are illegally advertising also indicates they are aware of their wrongdoing. They also are taking advantage of unlicensed workers and reportedly not adequately paying them because of the fact they lack a license (and thus cannot collect payment and seek redress from lack of payment) or do not have proper documentation. Accordingly, the STR owners continuously discard and replace workers leading to even shoddier work as a new worker has to pick up where the last worker left off – who abandons the job because of lack of adequate payment. The STR owners are engaging in several unconscionable actions. They are also **putting the community at risk** by allowing unqualified workers without proper supervision to conduct **structural, electrical, plumbing, and other construction work that legally requires proper training, a license, permit, and inspection**. Prior guests on the property have reported 2 electrical fires and flooding arising from improper work.

Here are the links for the two separate short term vacation rentals. Again, only one is permitted and the other is operating illegally. Even the one that is permitted is not following the rules set forth in Chapter 5.38. The STR operators have also caused and are causing numerous nuisances and committed or are committing violations as they operate their existing short term vacation rental and creating a new, illegal short term vacation rental.

Illegal STR

Advertised as a 1 bedroom, 1 bath with a kitchenette; entrance on the Via California side, but the bedroom is on the Camino Capistrano side

https://www.vrbo.com/2202130?unitId=2766684&childrenCount=0&arrival=2022-09-29&departure=2022-10-10&utm_source=direct&utm_medium=social&utm_campaign=earned:vrbo:sharecopylink:USA&utm_content=2202130&oc=2U4xFVCvA1liwzkg8jJ_i

Other STR link

Advertised as a 2-bedroom, 1 bath with a full kitchen; entrance on the Camino Capistrano side

https://www.vrbo.com/688889?unitId=1236827&childrenCount=0&arrival=2022-09-19&departure=2022-09-26&utm_source=direct&utm_medium=social&utm_campaign=earned:vrbo:sharecopylink:USA&utm_content=688889&oc=VAumX6pqx5GyrWzqPCxff

*Note that both listings are hosted by the same "Premier Host" Sonal (an owner of the subject STR property). Also, the pictures for the illegal STR show the view from the STR property of the same empty lot on Camino Capistrano directly across from them.

Attached are pictures of the two advertisements on VRBO (and a screen shot of both listings on a search showing two different short term vacation rentals even though only one is permitted). Also attached is an older advertisement - before the UNPERMITTED 1 bedroom STR was created and advertised. There are also pictures of the two separate entrances for the two different short term vacation rentals. Thank you.

Construction

 26122 Via California, Dana Point

Closed


 **Resolution:**


May 22, 2022


Close

Description:

There is loud noise and hammering; it appears they are doing something or some sort of construction in the garage on a Sunday.

 Request 2022-0918

 Reported May 22, 2022

 Code Enforcement Department

Public Comments

 **Code Enforcement Department**

May 22, 2022

Thanks Terri. If the issue persists, please call OC Sheriff Dispatch at 949 770-6011 Ext 1-9-1. Matt Sinacori

 **Code Enforcement Department**

May 22, 2022

Close

Add a comment

Post

RE: New STR guest and cont. parking issue at 34570 Camino Capistrano

Jeff Rosaler <JROSALER@DanaPoint.org>

Thu 9/29/2022 8:00 AM

To: K. Taps <ktaps02@msn.com>

Cc: Capo Cares <capocares@gmail.com>

Thank Kristin,

There should be NO construction at the house at this time. Please let us know if this guy in the white truck looks like he is working on the house.

I am glad the STR renter moved their vehicle, thank you guys for reaching out them in a neighborly manner.

Jeff

From: K. Taps <ktaps02@msn.com>**Sent:** Wednesday, September 28, 2022 4:47 PM**To:** Jeff Rosaler <JROSALER@DanaPoint.org>**Cc:** Capo Cares <capocares@gmail.com>**Subject:** Re: New STR guest and cont. parking issue at 34570 Camino Capistrano

Thank you Jeff for the update.

Residents were able to kindly ask the new STR guests to move their vehicle to not block the sidewalk. Hopefully, the parking issue gets resolved as not every STR guest responds to kind requests to not block the sidewalk, and residents don't like to be placed in a potentially uncomfortable position confronting visitors.

FYI. Also today, a resident spotted a white worker truck pull up to the STR property and park on the Via Cal side. He has been seen moving around the property. Also today, the same truck was seen on the Camino Cap side with the worker around the property there.

This worker appears to be the same worker spotted yelling into his phone a couple days ago for nearly an hour before working on the subject property.

Thank you.

From: Jeff Rosaler <JROSALER@DanaPoint.org>**Sent:** Wednesday, September 28, 2022 3:51:23 PM**To:** K. Taps <ktaps02@msn.com>**Cc:** Capo Cares <capocares@gmail.com>**Subject:** RE: New STR guest and cont. parking issue at 34570 Camino Capistrano

Kristen,

The investigation is proceeding well. You are correct the inspection brought about a litany of building code violations and potentially unpermitted work. We are sorting through to determine what may have been legally added and what most likely was not. That report will go to the owner and he will have a long list of corrections to complete. During this time between the inspection, the report production and the need for new permits, the owner was informed there is to be absolutely no construction of any kind, not even landscaping. Please let us know if you or the neighbors see any additional activity.

The Building Official deemed the home safe for habitation and the owner still has a valid STR permit, so the STR guest is allowed to be there at this time.

I will ask one of the Code Officers to ensure that the listings for the current STR are compliant with the code for advertisement.

Thank you,

Jeff

From: K. Taps <ktaps02@msn.com>

Sent: Wednesday, September 28, 2022 3:33 PM

To: Jeff Rosaler <JROSALER@DanaPoint.org>

Cc: Capo Cares <capocares@gmail.com>

Subject: New STR guest and cont. parking issue at 34570 Camino Capistrano

Jeff,

We hope the investigation is proceeding well. Today, a new STR guest checked into the subject property. This new guest immediately parked in front of the nonconforming garage and blocked the sidewalk. This property has frequent complaints regarding the parking issue and STR guests, workers, or longer-term tenants often block the sidewalk - particularly, when the STR owner is aware that the City is not actively investigating the property. Unfortunately, this can and has led to residents/neighbors engaging in self-help (and awkward – sometimes heated – conversations between residents and visitors) to protect their right to walk on the public sidewalk without obstruction or necessitating citizens' submitting complaints to the City and expressing frustration if there is not a permanent resolution. Nonconformity with the required proper setbacks, the current use of the garages, and exceeding the number of units in a property the STR owner **knowingly purchased** as R2 ("Residential Duplex") contribute to these parking issues and others. They occasionally attempt to park in a Tetris style arrangement (in a still failed attempt to provide the statutorily minimum number of parking spaces), but this raises additional safety issues evidenced by incidents such as the utility pole struck by guests or presenting other hazards or walkway access issues as they attempt to park and navigate their cars in the nonconforming space.

The neighbors are a bit troubled by the chronology of recent events. The STR owner was able to initially refuse inspection, had time to have workers come by after hours

and on Sundays (including have some workers stay overnight on the property), violate the Stop Order, there was evidence of attempts to conceal evidence of prior construction including plastering and painting, dump/discard construction materials - even the night before the inspection, have the inspection, and have a new STR guest **the very next day** after inspection. We understand that the STR owner has a history of evasion that - thus far - allowed him to think he can violate rules or the law with impunity. We also note that the primary STR owner (who goes by Jim) chose not to be present at the inspection. He was seen on the property shortly before the inspection and returned back to the property immediately after.

In regards to the STR issue, the STR owner

1) has difficulty complying with the Code's "minimum of two (2) off-street parking spaces." We are also curious as to whether they are providing the adequate number of parking spaces even without the STR(s). Regardless, the higher number of units (than the what is statutorily allowed in R2), compounds the parking issue. An applicable provision may be SECTION 9.35.080(E)(3) Duplex, which requires at minimum a "4-car garage (with minimum 40' x 20' interior floor space) and one additional stall per duplex" ;

2) continues to violate the provision that "[a]ll advertising for the short-term rental **shall** include the City-issued permit number" (this is particularly concerning as the STR owner has a history of not paying or being delinquent on TOT and on at least three occasions been caught operating an unpermitted STR and recently constructed, advertised, and operated an additional illegal STR - also without displaying the statutorily required City-issued permit number); and

3) likely (especially in light of the previous history of unpermitted construction and the recent protracted amount of unpermitted and after-hours construction violates the provision in Chapter 5.38 Short-Term Rental Business Regulations, which expressly provides "Short-term rentals **shall** comply with all applicable codes regarding fire, building and safety, and all other relevant laws and ordinances."

We understand that several of these issues only hit your desk "just weeks ago" , and there may be a morass of issues to sort through. Thank you, Jeff, for your service and we hope that you may find a permanent resolution.



Other/Miscellaneous

34570 Camino Capistrano, Dana Point

Closed

Resolution:

Sep 13, 2022

9/13/22- sent to CE to investigate. NS

Description:

The parking situation is becoming even more exacerbated on the STR property located at 34570 Camino Cap. Without a permit, they have added another STR and the property is functioning as a four-plex or more and it seems that they are trying to add more units.

The parking situation is currently as follows:

Unit 1 occupied by the STR owner and his wife and parking 3 vehicles:

- 1)White Toyota Tacoma pickup, license plate number 53768L1
- 2)Brown Toyota Camry, license plate number 6ZPK914
- 3)Grey Mazda crossover SUV, license plate number 7LRY328

Unit 2 occupied by a longer-term tenant who may operate a carpet cleaning business and parking 4+ vehicles:

- 1)Beige carpet cleaning van, license plate number 6GWP829
- 2)White BMW sedan, license plate number BONNN
- 3)Older cream-colored Toyota SUV, license plate 5LGE556
- 4)vehicle that he often keeps under a car cover
- 5)Black motorcycle

Unit 3 run as a 2 bedroom, 1 bathroom STR

* there should be 2 parking spaces for this unit

New unit 4 run as 1 bedroom, 1 bathroom STR

* there should be 2 parking spaces for this unit if it is allowed to stand

*note, the STR owners have workers frequently park on the sidewalk and around the property further impacting parking.

Thus, there are 11 to 12 (12 if you include the motorcycle) parking spaces taken by this property zoned in a duplex. This is not including vehicles of other guests on the property or the frequent workers that come onto the property.

There is a 2-car garage and a 1-car garage on Via Cal and a 1-car garage on Camino Capistrano. Construction work was seen in the 1-car garages on Via Cal and Camino Capistrano including running new electrical and plumbing and new drywall being hung – there is reason to believe the STR owners have plans to convert these spaces to livable spaces to rent. To avoid detection and because they are now conducting construction work on the 2-car garage, they are temporarily instructing their STR guests for the 2-bedroom STR to park inside the single-car garage. This is the ONLY garage being used for parking. Because of the noncompliance with proper setbacks for the garages on Via California, the STR guests and residents of the property frequently block the sidewalk or create other issues related to parking. Please see the picture taken yesterday as a new set of guests checked into the 2-bedroom STR. Currently, they have independent (not related) guests staying in both STRs. There have been 3 rounds of independent (not related guests) staying in these STRs since the new, not permitted STR opened up.

Please resolve the issues of

- A) a not permitted new STR;
- B) a not permitted addition resulting in a 4 – plex and potentially higher density property than what is zoned for;
- C) a permanent fix to a parking situation (the STR owners have a history of feigning or ignoring compliance) – the lack of proper setback for the garage needs to be resolved. Actually, parking vehicles in all garages would be helpful, but even this may not be sufficient due to the added density and number of vehicles.

Request 2022-1711

Add a comment

Post


<u>3240685</u>	Swain, Andre	01-15-1991	Male	Mexican-Latin Americ	Street
	Jail: Intake/Release Ctr	Arrested By: Huntington Beach PD			
<u>3240702</u>	Tapialopez, Francisco	12-25-1983	Male	Mexican-Latin Americ	Commitment
	Jail: Intake/Release Ctr	Arrested By: Orange County Sheriff			
<u>3240644</u>	Tarulli, Michael	09-06-1988	Male	White	Street
	Jail: Intake/Release Ctr	Arrested By: Tustin PD			
<u>3240743</u>	Tellers, Michael	09-12-1963	Male	White	Parole
	Jail: Intake/Release Ctr	Arrested By: Seal Beach PD			
<u>3240720</u>	Thompson, Nicholas	12-24-1983	Male	White	Street
	Jail: Intake/Release Ctr	Arrested By: Santa Ana PD			
<u>3240740</u>	Torres, Michael	02-15-1968	Male	Mexican-Latin Americ	Street
	Jail: Intake/Release Ctr	Arrested By: Dana Point PD			
<u>3240676</u>	Trujillo, Brian	03-10-1976	Male	Mexican-Latin Americ	Cite & Release
	Jail: Intake/Release Ctr	Arrested By: Fountain Valley PD			
<u>3240680</u>	Uribegonzalez, Jose	05-29-1988	Male	Mexican-Latin Americ	Bench Warrant
	Jail: Intake/Release Ctr	Arrested By: Bondsman			
<u>3240646</u>	Valdez, Jonathan	02-09-1984	Male	Mexican-Latin Americ	Street
	Jail: Intake/Release Ctr	Arrested By: Costa Mesa PD			

26122 Via California complaint

Teri W. <Twk883@outlook.com>

Mon 1/24/2022 7:34 AM

To: tharris@danapoint.org <tharris@danapoint.org>

 10 attachments (2 MB)

20220124_070037_7025.jpg; 20220124_070036_6685.jpg; 20220124_070036_6870.jpg; 20220124_070210_0584.jpg; 20220124_070036_6499.jpg; 20220124_070210_0444.jpg; 20220124_070036_6297.jpg; 20220124_070210_0279.jpg; 20220124_070210_0835.jpg; 20220124_070210_0718.jpg;

Hello,

I read the article in the most recent Dana Point times about short term rentals, and I'm glad to hear the city will be enforcing these a lot more strictly. Our local community has seen disruptions due to a particular property.

I would like to report nuisances for 26122 Via California in Dana Point.

The short term rental guests and the tenants constantly block the city and their own driveways as well as other neighbors' driveways. The elderly and children that walk by always have to walk on the street to get around the cars, which isn't safe for anyone. For those that come as short term rental guests they don't have 2 designated spots that are off the street, so they will often take away spots from the actual community members or park in the driveway, again blocking the sidewalk.

Note- the garage does not appear up to code as it doesn't have the proper 20' setback from the city sidewalk. Thus, any cars parked in front of these garages stick out and block the city sidewalk. They also concreted a patch of grass - likely to try to create another spot - but the STR visitors do not park there as they are boxed in and create the parking issues described above. Accordingly, they do not have the proper 2 designated off street parking spots. The existing tenants & residents use their garage as storage and do not park in their garage, and they also block the city sidewalk. This poor example is followed by the short term rental guests who also block the city sidewalk when they park in front of the nonconforming garage (significantly less than the 20 feet setback). Several pictures are attached of numerous short term rental guests who have blocked the sidewalk (most of the guests have out of state license plates). Throughout the pandemic, they had out-of-state guests even as their mandates in place or locals were locked down.

Also, as a separate issue, the owners are double dipping on trash pickup to support the extra trash created by the short term rental. They have multiple cans that are picked up on BOTH Via California (Wednesdays) and Camino Capistrano (Fridays).

Further, for a recent construction project, they don't want to pay a waste disposal fee, so they're using personal trash cans for this project. Alarming, they have been taking other people's trashcans and abusing trash policies by putting cans on camino capistrano and via california for both trash days. (They're essentially double dipping, using the cans for non-personal use, and using trash cans from other residences.) They're also consistently leaving trash bins out on non-trash days for their project.

They have at least 25 confirmed reviews from former STR guests. Neighbors have confirmed there have been substantially more guests than that number. Hopefully the city has been able to collect all applicable transient occupancy taxes. The attached pictures are just from the past few weeks. During this time, they've already had several out-of-state STR visitors. The Kia, Acura, and Subaru are all STR visitors.

Here are the links for this particular STR. Neither link includes the STR permit number as required by the city.

<https://www.vrbo.com/688889>

<https://www.bringfido.com/lodging/122202>

I would like to remain anonymous. Thank you.



Construction

26122 Via California, Dana Point

Closed

✓ **Resolution:**

May 18, 2023

Close

Description:

This STR property repeatedly has vehicles parked on the sidewalk. Today, May 17, the white truck and worker vehicles were parked blocking the public walkway.

One of their workers was also mixing some type of material with debris flowing over to the sidewalk and causing dust to fill to surrounding the area.

This property has a history of violations related to unpermitted construction, violating City stop orders, nuisances, attempting to construct a 2nd illegal STR, exceeding the scope of permits when they are caught and forced to submit to the permitting process, and a litany of other issues.

We hope the City does not continue to reward bad behavior and takes into account the STR owner's history of noncompliance.

Neighbors noticed a City official dropping by the property on Tuesday. Shortly thereafter, additional worker vehicles dropped by and work was heard on the property after hours. We hope the STR owner isn't, again, seeking to engage in machinations.

It's frustrating for members of the community to see one bad apple ruin it for the whole neighborhood and watch as the City provides numerous concessions to this bad actor only to have it be abused.

Request 2023-0757

Reported May 17, 2023

Code Enforcement Department

Public Comments

Code Enforcement Department

May 18, 2023

Terri - Good Afternoon. Code Enforcement has requested that you contact them directly on STR related complaints. Please report issues by calling 949 248-3564. Thank you. Matt Sinacori

✓ **Code Enforcement Department**

May 18, 2023

Close

Add a comment

Post


6/9/2022 4:23:42 PM	6/9/2022 4:23:42 PM	220609- 0700	TRAFFIC STOP	CASITAS PL // DANA POINT HARBOR DR
6/9/2022 4:20:40 PM	6/9/2022 4:20:40 PM	220609- 0698	FOLLOW UP REPORT	33200 BLK ST OF THE GOLDEN LANTERN
6/9/2022 3:36:26 PM	6/9/2022 3:40:37 PM	220609- 0661	CRIMINAL THREATS REPORT	34000 BLK ST OF THE VIOLET LANTERN
6/9/2022 3:37:57 PM	6/9/2022 3:37:57 PM	220609- 0660	PATROL CHECK	SANTIAGO DR // TRINIDAD DR
6/9/2022 3:01:53 PM	6/9/2022 3:30:31 PM	220609- 0636	HIT AND RUN PARKED CAR REPORT	33700 BLK OLINDA DR
6/9/2022 2:45:47 PM	6/9/2022 2:45:47 PM	220609- 0620	PATROL CHECK	33500 BLK STONEHILL DR
6/9/2022 2:26:41 PM	6/9/2022 2:29:00 PM	220609- 0597	STOLEN VEHICLE	26100 BLK VICTORIA BLVD
6/9/2022 2:05:28 PM	6/9/2022 2:07:52 PM	220609- 0575	DISTURBANCE	24200 BLK LA CRESTA DR
6/9/2022 1:53:29 PM	6/9/2022 1:55:01 PM	220609- 0566	FRAUD REPORT	33200 BLK ST OF THE GOLDEN LANTERN
6/9/2022 1:49:38 PM	6/9/2022 1:49:38 PM	220609- 0563	FOLLOW UP REPORT	0 BLK MONARCH BEACH RESORT
6/9/2022 1:45:27 PM	6/9/2022 1:47:33 PM	220609- 0557	TRAFFIC HAZARD	25000 BLK DANA DR
6/9/2022 12:49:25 PM	6/9/2022 12:55:04 PM	220609- 0512	9-1-1 HANGUP	0 BLK RITZ CARLTON DR
6/9/2022 12:52:40 PM	6/9/2022 12:52:40 PM	220609- 0518	ILLEGAL PARKED VEHICLE	24700 BLK LA PAZ AV
6/9/2022 12:50:12 PM	6/9/2022 12:51:26 PM	220609- 0515	DISTURBANCE	26200 BLK VIA CALIFORNIA
6/9/2022 12:49:25 PM	6/9/2022 12:49:25 PM	220609- 0511	ABANDONED VEHICLE	33800 BLK ST OF THE SILVER LANTERN
6/9/2022 12:27:22 PM	6/9/2022 12:27:22 PM	220609- 0494	PATROL CHECK	DOHENY PARK RD // VICTORIA BLVD
6/9/2022 12:05:41 PM	6/9/2022 12:10:20 PM	220609- 0478	ABANDONED VEHICLE	MALAGA DR // SELVA RD
6/9/2022 11:54:14 AM	6/9/2022 11:57:41 AM	220609- 0462	ASSIST OUTSIDE AGENCY	34100 BLK DOHENY PARK RD
6/9/2022 11:08:52 AM	6/9/2022 11:08:52 AM	220609- 0412	PATROL CHECK	LA CRESTA DR // REGATTA WY

Reported Rape & Disturbances at STR Property

Steve M <bona_fide38@outlook.com>

Tue 6/14/2022 11:36 PM

To:tharris@danapoint.org <tharris@danapoint.org>

 10 attachments (2 MB)

Compress_20220614_224547_7651 (1).jpg; Compress_20220614_232403_3225.jpg; Compress_20220614_232403_3977.jpg; Compress_20220614_232403_3538.jpg; Compress_20220614_232403_3383.jpg; Compress_20220614_232403_3823.jpg; Compress_20220614_232403_3692.jpg; Compress_20220614_232403_3112.jpg; Compress_20220614_224547_7945 (1).jpg; Compress_20220614_233203_3688.jpg;

Dear Mr. Harris,

The STR at 26122 Via California in Capo Beach is continuing to cause disturbances for the neighborhood. Sherriff blotter reports disturbances related to this property including abandoned vehicles left by their unlicensed contractors for unpermitted work, unpermitted construction on Sundays, and a recent drugging and reported rape committed by one of their tenants. Several Sheriff vehicles swarmed the area as **one of their tenants is reported to have drugged and raped a woman**. The STR owners are irresponsibly renting the property and modifying it. On the side of Camino Capistrano, they modified the area that used to be grass, and put in a raised concrete patio, where their tenant cat calls and makes lewd comments and propositions to women. From the vantage point of the unpermitted raised concrete patio on the south side of the property by the tall fence, he would make it uncomfortable for women to walk on the sidewalk and now he has reportedly drugged and raped a woman. Unfortunately, given the current state of the criminal justice system, he was released the same day; he is still able to make the women of the neighborhood feel unsafe from the viewpoint of the unpermitted raised concrete patio right above the city's right of way.

Continuing to allow the STR owners to modify the property without permits and not be in compliance with Dana Point code is becoming a nuisance and now there are criminal concerns as this property, which was allegedly used in conjunction with a rape.

This STR owner has little to no regard for the community and a recent look at his VRBO listing also shows that he **is not providing STR the permit number as required by the Dana Point Code**. We hope you ensure that this property is in compliance with the Dana Point Code before they continue to add to the long litany of nuisances and now the threats to our safety.

Please find attached pictures of

1. the Sheriff responding to the reported rape that occurred at this STR property (the women walked away disheveled toward Via Catalina and the it showed up on the Sheriff blotter report as responding around the 26200 block of Via California);
2. a picture of the property **before** the STR owners modified it with an unpermitted raised concrete patio abutting the public sidewalk on the Camino Capistrano side;
3. the current unpermitted raised concrete patio by the public sidewalk that the STR's owner's tenant and alleged rapist is making cat calls at women from and making them feel uncomfortable;
4. a Sheriff blotter report responding to disturbances (including construction on Sundays) arising from this STR property as the owner is not in control of his non-licensed workers that he allows to stay on the property in

- exchange for unpermitted work (which also occurs at night to avoid the City's detection) – it appears he is attempting to add more units to illegally rent;
5. a screenshot of the STR's VRBO listing not in compliance with the STR rules – there is no permit number as required by the City's Code.

Construction

26122 Via California, Dana Point

Closed

Mar 12, 2024



Construction

26122 Via California, Dana Point

Closed

Nov 6, 2023



Other/Miscellaneous

26122 Via California, Dana Point

Closed

Jun 29, 2023



Construction

26122 Via California, Dana Point

Closed

May 24, 2023



Construction

26122 Via California, Dana Point

Closed

May 17, 2023



Construction

26122 Via California, Dana Point

Closed

Apr 16, 2023



Traffic Issue/Concern - General

34570 Camino Capistrano, Dana Point

Closed

Dec 18, 2022



Other/Miscellaneous

34570 Camino Capistrano, Dana Point

Closed

Nov 25, 2022



Other/Miscellaneous

34570 Camino Capistrano, Dana Point

Closed

Sep 13, 2022



Construction

34570 Camino Capistrano, Dana Point

Closed

Aug 28, 2022



Construction

34570 Camino Capistrano, Dana Point

Closed

Aug 16, 2022



Trash/Debris - Private Property

26221 Via California, Dana Point

Closed

Jun 30, 2022



Construction

26122 Via California, Dana Point

Closed

May 22, 2022



5/27/2022 12:54:16 AM	5/27/2022 1:00:51 AM	220527- 0034	FOLLOW UP REPORT	ST OF THE GOLDEN LANTERN // PACIFIC COAST HWY
5/27/2022 12:11:31 AM	5/27/2022 12:16:53 AM	220527- 0011	SUSPICIOUS VEHICLE	33300 BLK PACIFIC COAST HWY
5/26/2022 11:08:34 PM	5/26/2022 11:08:34 PM	220526- 1131	PEDESTRIAN CHECK	PACIFIC COAST HWY // ST OF THE GOLDEN LANTERN
5/26/2022 11:02:40 PM	5/26/2022 11:02:40 PM	220526- 1129	BIKE STOP	DEL OBISPO ST // VILLAGE RD
5/26/2022 9:44:04 PM	5/26/2022 9:44:05 PM	220526- 1084	TRAFFIC STOP	ST OF THE GOLDEN LANTERN // LA PLAZA
5/26/2022 6:46:09 PM	5/26/2022 8:16:10 PM	220526- 0980	FOLLOW UP REPORT	PACIFIC COAST HWY // ST OF THE AMBER LANTERN
5/26/2022 7:07:57 PM	5/26/2022 7:47:58 PM	220526- 0998	ASSAULT REPORT	STONEHILL DR // DEL OBISPO ST
5/26/2022 6:34:15 PM	5/26/2022 6:46:22 PM	220526- 0973	MISSING JUVENILE	25900 BLK DOMINGO AV
5/26/2022 6:24:47 PM	5/26/2022 6:28:00 PM	220526- 0964	TRAFFIC ACCIDENT-UNKNOWN INJURIES	CROWN VALLEY PKWY // SEA ISLAND DR
5/26/2022 6:19:55 PM	5/26/2022 6:24:41 PM	220526- 0960	CITIZEN ASSIST	26100 BLK VIA CALIFORNIA
5/26/2022 5:46:17 PM	5/26/2022 6:01:52 PM	220526- 0930	DRUNK IN PUBLIC	34600 BLK ST OF THE GOLDEN LANTERN
5/26/2022 5:33:49 PM	5/26/2022 5:36:03 PM	220526- 0913	BURGLARY ALARM-AUDIBLE	33400 BLK INTERA WY
5/26/2022 4:50:22 PM	5/26/2022 4:50:22 PM	220526- 0881	SPECIAL EVENT	33300 BLK ST OF THE GOLDEN LANTERN
5/26/2022 4:06:55 PM	5/26/2022 4:32:01 PM	220526- 0838	DISTURBANCE	SELVA RD // GRANADA DR
5/26/2022 3:54:47 PM	5/26/2022 4:01:08 PM	220526- 0827	PATROL CHECK	SELVA RD // ST OF THE BLUE LANTERN
5/26/2022 3:19:31 PM	5/26/2022 3:26:34 PM	220526- 0798	DISTURBANCE	34100 BLK PACIFIC COAST HWY
5/26/2022 3:23:55 PM	5/26/2022 3:23:55 PM	220526- 0800	PATROL CHECK	35000 BLK BEACH RD
5/26/2022 3:23:45 PM	5/26/2022 3:23:45 PM	220526- 0799	PATROL CHECK	33900 BLK CL LA PRIMAVERA
5/26/2022 3:08:04 PM	5/26/2022 3:08:04 PM	220526- 0778	PATROL CHECK	DANA POINT HARBOR DR // COVE RD

Unpermitted Construction



Unpermitted Construction



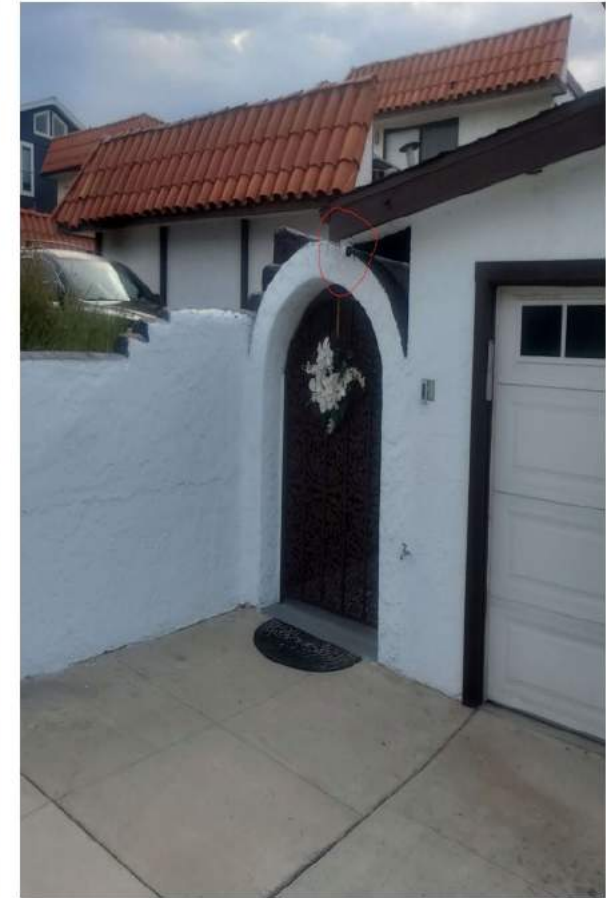
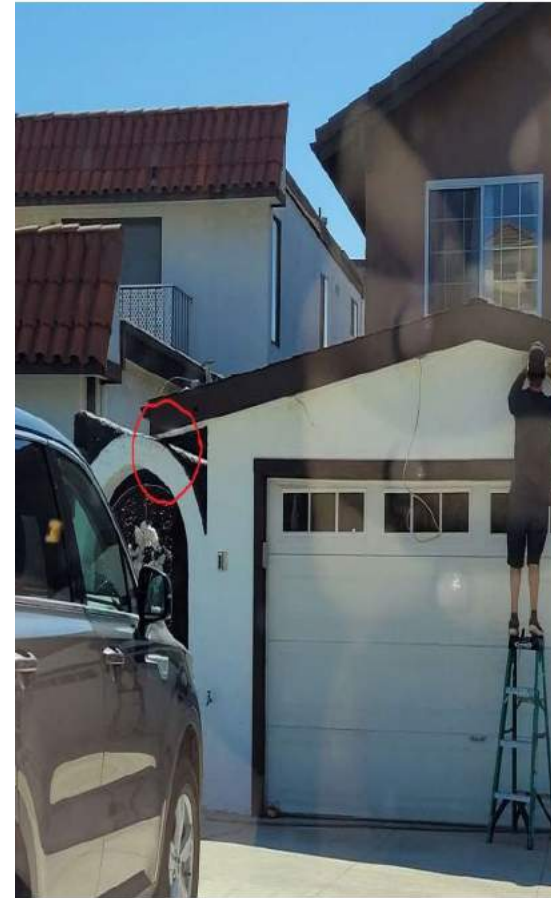
New electrical wiring was run throughout the entire exterior of the property. It was initially exposed, then it appears that workers were making penetrations in the walls to run the cables that way and some cables were hid in the side panel or by the roofline. Regardless, the new electrical was run without a permit and the newly installed fixtures using these cables in several areas still remains. The balcony on Camino Cap also seems to have new electrical wiring and appliances were temporary added on this balcony where some guests or workers slept overnight.

Unpermitted Construction

Single Car Garage before new outlets

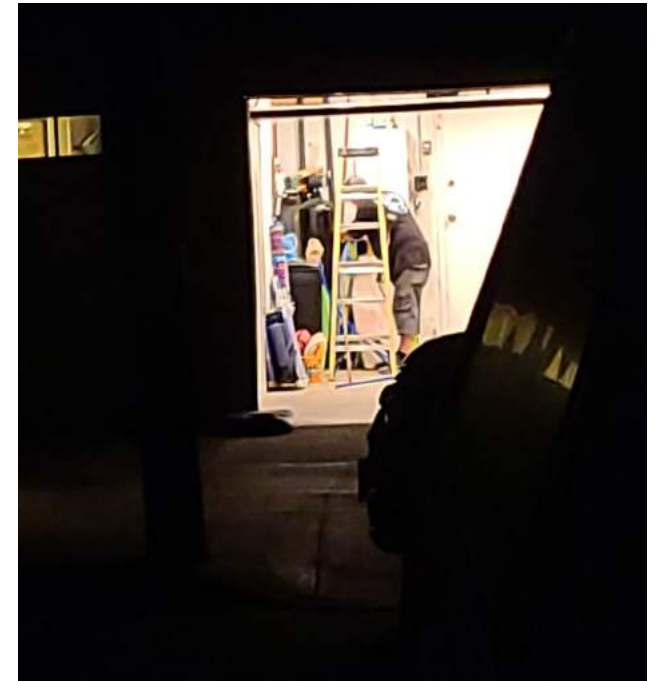


Single Car Garage after new Outlet; looks to be a 110 and 220V



Notice the new outlets added to the single car garage on facing Via Cal and the new fixture installed above the gate. There was also a substantial amount of drywall moved into the property and bags of joint compound. The garage facing Camino Cap may be in the midst of a garage conversion or already have had a portion of it used for a living space. There are also several areas where prior unpermitted work was concealed with plaster and/or paint. The workers seem to be in process of trying to conceal prior unpermitted work – instead of actually removing them or applying for permits for ALL prior unpermitted and current ongoing work.

After Hours Construction

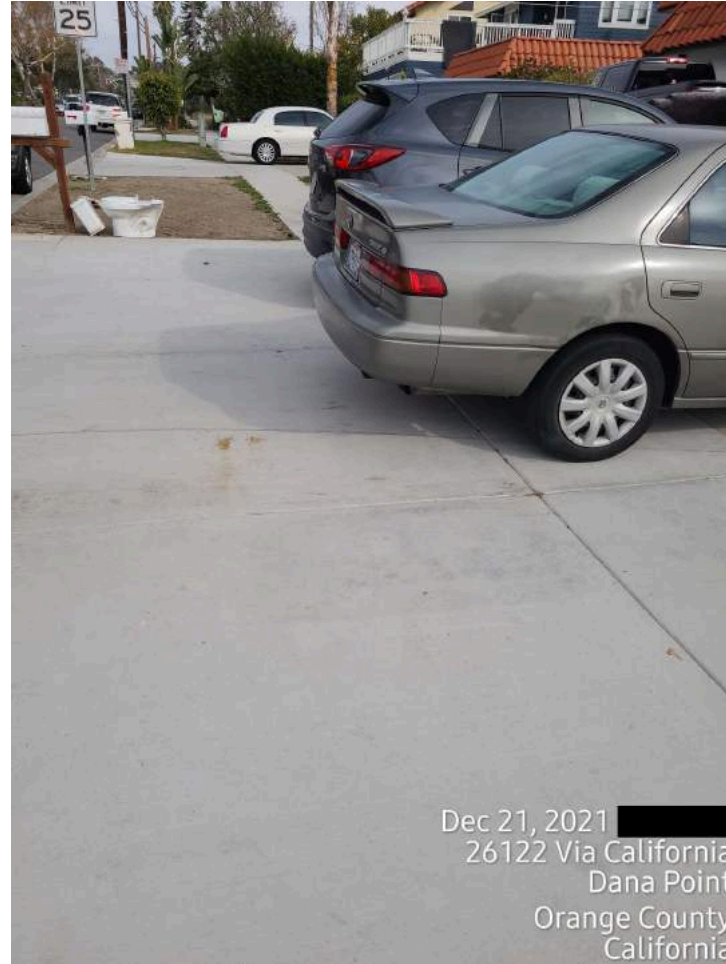


After hours construction was often conducted. Notice the middle picture: the new blue PEX Piping. There were quite a bit of plumbing materials moving into the property.

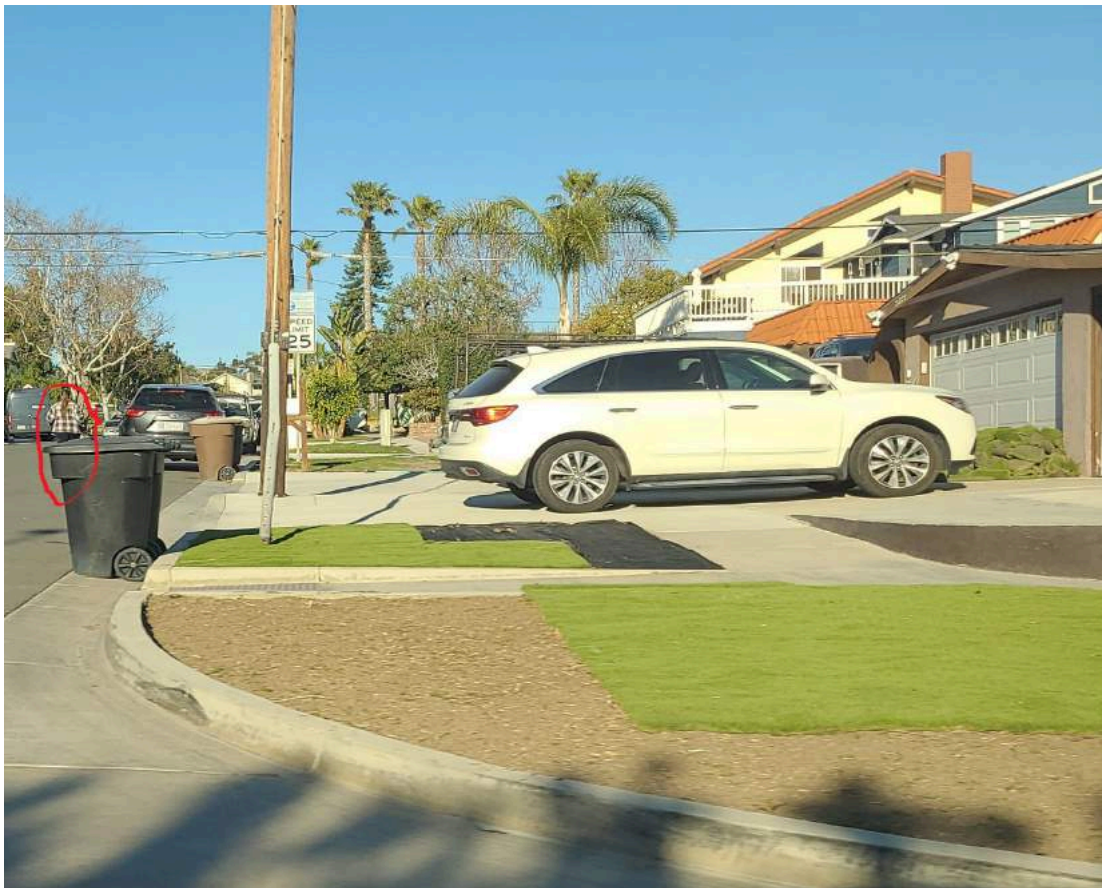
Parking – Blocking Sidewalk



Parking – Blocking Sidewalk cont. and ADA Ramp



Parking – Pedestrian walkways blocked



There are consequences arising from the STR's failure to safely and consistently provide the adequate parking required for a STR and stay in compliance with the parking rules. Residents may be 1) forced onto the street (see the picture to the left of a young lady walking her dog who is unable to walk on the sidewalk and now must walk on a street where cars may drive at relatively high speeds from Camino Cap and turn the corner onto Via Cal; or 2) forced to turn back from their walk (see the picture to the right of one of our seniors who uses a walker for assistance, but was forced to turn around as one of the STR guest's vehicle blocks the ADA ramp)

Trash – Collected 2x week; extra bins



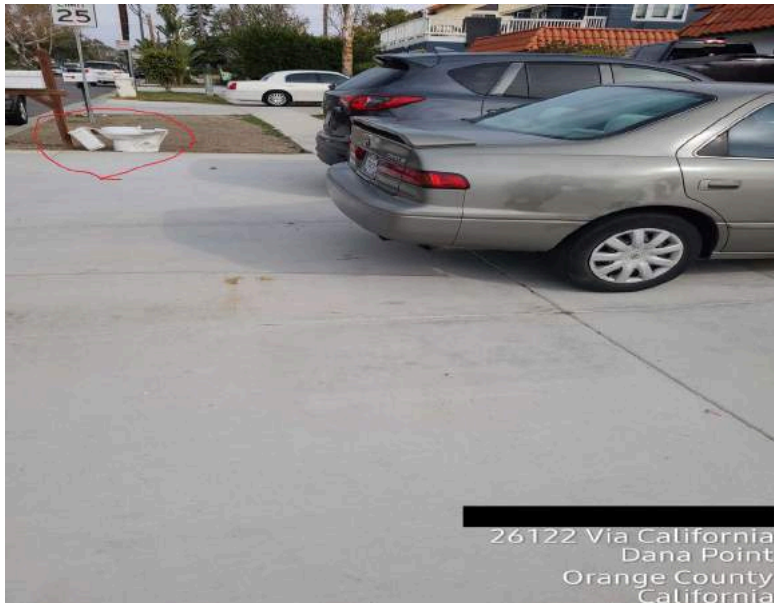
The STR owner would permanently “borrow” neighboring trash cans (often from tenant occupied properties) and use them to dispose of construction debris. Note the 6 black trash bins to the left picture and the 6 brown recycle bins on the right picture. The black bins are picked up in the morning and the brown bins are in the afternoon; there is also pickup for the green bins. The STR owner benefitted by double-dipping and having bins picked up on the both the Via Cal and Camino Cap sides of the property (essentially he could get 36 bins of trash picked up in one week without renting a construction dumpster – 18 bins picked up on Wednesdays on Via Cal and 18 on Fridays on Camino Cap. He also disregarded the types of materials that had to be placed in each bin – all bins were treated equally for trash/construction debris.

Trash – Picked up on 2 streets, 2 pickups a week



STR owner benefitted by double-dipping and having bins picked up on the both the Via Cal and Camino Cap sides of the property. He also disregarded the types of materials that had to be placed in each bin – all bins were treated equally for trash/construction debris.

Bulky Trash – Left by Sidewalk/Street



Suspected Illegal Dumping on Sundays



On Sundays, when the County dump is closed, trucks or vehicle were filled with various construction debris, these vehicles would return with empty loads, and the process would repeat.

Sheriff Activity & possible garage conversion plans



STR owner has conducted nonemergency construction on Sundays and holidays on multiple occasions. On one notable occasion, the Sheriff responded to reports of Sunday construction three (3) times on the same Sunday as the STR owner blatantly misrepresented (“lied”) to law enforcement officers that he had an emergency and was just about to clean up. In actuality, it seems that he was hanging new drywall and hoping to better insulate his garage space – perhaps with plans to convert it unlawfully to another space to rent out. *Note, this garage is already nonconforming without the proper setback.

Reported Rape/Sexual Assault on STR Property



6/9/2022 12:49:25 PM	6/9/2022 12:55:04 PM	220609-0512	9-1-1 HANGUP	0 BLK RITZ CARLTON DR
6/9/2022 12:32:40 PM	6/9/2022 12:52:40 PM	220609-0518	ILLEGAL PARKED VEHICLE	24700 BLK LA PAZ AV
6/9/2022 12:50:12 PM	6/9/2022 12:51:26 PM	220609-0515	DISTURBANCE	28200 BLK VIA CALIFORNIA

On June 9, neighbors in the area, found a young lady walking around disorientated and disheveled. She was found on Via Catalina and Sheriff responded. Though the Sheriff were quite reticent, residents gleaned the following: the lady allegedly was drugged and raped/sexually assaulted on the STR property. There are reports that the STR owner's longer-term tenant (who drives a carpet cleaner van) committed these acts in concert with another guest/visitor. At least one arrest was made in connection with this incident. To the shock of neighbors, the STR owner reneged on his assurances that he would process out the alleged perpetrator(s). The longer-term tenant has a history and reputation in the neighborhood of "partying" with other guests and workers and catcalling, making lewd remarks and propositions to young mothers and even underage girls from the vantage point of a raised patio/wall that also appears to be built without a permit (it is above 3 feet on the Camino Cap side closest to Palisades and with a fence topper – and this side used to be all grass when the STR owner acquired the property). With his - likely unpermitted - high and protected vantage point, several of the ladies in the neighborhood do not feel safe walking past the public sidewalk by this section of the property.

*In addition to the incident described above and to the right, the STR owner has allowed individuals – who purportedly commit illicit acts – stay on the property and commit these acts on the property. Notably, an alleged sex worker who would provide additional illicit services would direct clients to the property. Neighbors had to tolerate these clients/"Johns" who would sometimes knock on the wrong door and attempt to enter the wrong property. In one instance, a "John" mistakenly walked in on a family BBQ with young girls and even a toddler present. Only the strong efforts of neighbors and family members present prevented an explosive situation as a young father was outraged at the "John's" inquiries and follow-up actions. The STR owner had notice of this and other instances, but chose to ignore them – choosing profit above abating nuisances and learning from them. Neighbors truly had and continue to tolerate a unique array of nuisances arising from the STR owner's management of the property.

The STR Property



The new, unpermitted STR appears to be located in the area circled below. Guests to this new STR enter through a side entrance on the Via Cal side entering a code on a recently installed keypad. Based off statements from disgruntled workers and even the STR owner, there is reason to believe a portion of the adjacent garage was converted to a living space. Note, there also appears to be new electrical and plans to enclose the balcony/space above (see rectangle) and rent that space without a permit as well.

The picture to the left is the STR property as the owner purchased it. Note, the grass (not the raised concrete patio), original windows, lack of central air conditioning (which there are now 2 condensers on the Camino Cap side), and there are fewer windows. The STR owners have a history of not permitting work and often wait to be caught before pulling any permits and have completed numerous other projects without a permit. While residents in the neighborhood are not necessarily hungry for code enforcement and often exhibit a laissez-faire approach, Building Codes and the Municipal Code make sense as nuisances arises and we feel the safety of those most vulnerable, our properties, and the City are at risk. Even a seemingly innocuous violation such as the block wall being above 3 feet makes women feel unsafe as an alleged perpetrator is able to continue to catcall at woman. Please uphold Building Code(s), the City's Municipal Code, and any other regulations as there certainly has proven to be a reason for them.



Sep 9, 2022
Camino Capistrano
Dana Point
Orange County
California

26122 Camino Capistrano-- STR loud non-emergency Sunday construction

Teri W. <Twk883@outlook.com>

Mon 5/30/2022 12:48 PM

To: tharris@danapoint.org <tharris@danapoint.org>

 5 attachments (2 MB)

Compress_20220530_113022_2904.jpg; Compress_20220530_113022_2715.jpg; Compress_20220530_113023_3095.jpg; Compress_20220530_113023_3226.jpg; 26122 Construction Sunday (1).png;

Dear Mr. Harris,

Residents in the neighborhood were awakened - on a Sunday morning - to non-emergency construction coming from a short term rental (STR) located at 26122 Via California 92624.

It is our understanding that Dana Point Code does not allow for construction on Sundays. However, they continuously used power tools to demo, cut, and saw. We understand that this work was unpermitted and conducted by unlicensed individuals - who appear to be living in and conducting work at night for the owner of the STR whose trying try to add units to a property that is already nonconforming and should only be a max of 2 units (they appear to be renting additional units/subunits) without the proper permitting or paying the appropriate fees or taxes.

The incompetence of the workers clearly showed as they continued loud construction throughout the Sunday and continued to make mistakes on their project. The Orange County Sheriff responded to a report about the unlawfully Sunday construction. The workers immediately scrambled away as the owner lied to the Sheriff and stated they would stop. In a stunning lack of respect for law enforcement, the STR owner called his workers back to continue the unlawful Sunday construction. The Sheriff had to return again as the STR owner instructed his workers to ignore the Sheriff's orders. Please see the attached pictures of the Sheriff vehicle and the Sherrif blotter, which displays at least 2 trips to the property on the same Sunday afternoon. The STR owner takes advantage of the easy-going nature of the neighbors and officials; he now expects and takes advantage of our patience and initial compassion.

The owner of the STR has continuously displayed a stunning disregard and disrespect to the neighborhood, Dana Point Municipal Code, and the law. Please enforce the Code and stop them from lowering the quality of life for the residents of the neighborhood. Thank your four attention and response.



Trash/Debris - Private Property

26142 Via California, Dana Point

Closed

✓ **Resolution:**

Aug 19, 2023

Send to CR&R. Close. Sinacori

Description:

This property has kept a couch blocking the driveway on City property for a couple days, if not a week now. It continues to sit there, and no one has taken it/trash has not picked it up.

Request 2023-1211

Reported Aug 19, 2023

Code Enforcement Department

Public Comments

Code Enforcement Department

Aug 19, 2023

Thanks Charles. We will contact our trash hauler to be sure they pick this up next week. Have a good weekend.
Matt Sinacori

✓ **Code Enforcement Department**

Aug 19, 2023

Send to CR&R. Close. Sinacori

Code Enforcement Department

Aug 20, 2023

8/20/23- CR&R confirmed pick up scheduled for Tuesday, 8/22. Thank you, Nichole Squirrell

Add a comment

Post



Other/Miscellaneous

26122 Via California, Dana Point

Closed

Resolution:

Jun 30, 2023

Close

Description:

This resident has been working on their car, blocking the public sidewalk. They have a history of blocking the sidewalk, working on vehicles and motorcycles. It's also concerning because in the past, there have been automotive fluids that have flowed into nearby storm drains. This also presents a trip hazard because they'll leave power tools on the public sidewalk where neighbors and children walk.

Request 2023-0966

Reported Jun 29, 2023

Public Works Department

Public Comments

Public Works Department

Jun 30, 2023

Terri - Thanks for submitting your request. WE will share your concern with Code Enforcement. For any questions or follow up actions, please contact them directly at 949 248-3564. Thank you. Matt Sinacori

Public Works Department

Jun 30, 2023

Close

Add a comment

Post



3

Jun 19 4:29