

## ITEM 4

**From:** [Comment](#)  
**To:** [Alyssa Gonzalez](#); [Brenda Wisneski](#); [Martha Ochoa](#)  
**Subject:** FW: conditional Use Permit CUP 24-0003(M) and Minor Site Development Permit SDP23-0033(M)  
**Date:** Monday, October 28, 2024 10:09:46 AM  
**Attachments:** [Some Code Violations.pdf](#)  
[Unpermitted outlets including possible 220V.png](#)

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Public Comment for Item 4

**Shayna Sharke, CMC** | City Clerk

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**From:** Capo Cares <capocares@gmail.com>  
**Sent:** Sunday, October 27, 2024 4:13 PM  
**To:** Comment <Comment@DanaPoint.org>  
**Subject:** Fwd: conditional Use Permit CUP 24-0003(M) and Minor Site Development Permit SDP23-0033(M)

**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.

Good morning Shayna. Please forward this letter to the Planning Commissioners as part of the correspondence for Item #4 on tomorrow's agenda. Thank you and kind regards,

Toni

----- Forwarded message -----

**From:** **Capo Cares** <[capocares@gmail.com](mailto:capocares@gmail.com)>  
**Date:** Fri, Aug 30, 2024 at 9:42 AM  
**Subject:** conditional Use Permit CUP 24-0003(M) and Minor Site Development Permit SDP23-0033(M)  
**To:** <[BWisneski@danapoint.org](mailto:BWisneski@danapoint.org)>, <[agonzalez@danapoint.org](mailto:agonzalez@danapoint.org)>  
**Cc:** <[mfrost@danapoint.org](mailto:mfrost@danapoint.org)>

I am writing with regard to the above mentioned public hearing notice regarding the property located at 34572 Camino Capistrano, previously known as 26122 Via California, and 34570 Camino Capistrano. I am strongly opposed to the granting of either permit for the reasons outlined below.

### A Long History of Code Violations

First, I think it's vital that the city take a step back and look at the long history of code violations, unpermitted construction and other activity (from all three of these addresses for the same house) that not only violates City codes but has caused significant consternation for neighbors. Any independent person viewing what must

be a very thick file at this point would conclude that the present owner has little to no respect for city codes, no respect for the short term rental ordinance and even less for his neighbors. Several neighbors corresponded recently with Mayor Federico and Councilman Frost about ongoing aesthetic, code enforcement and safety issues at the property, the most serious of which is alleged after hours construction. Neighbors allege serious code violations including adding a 240 Volt outlet and allege that there have been 2 electrical fires at the property. Mr. Frost mentioned enrolling the property in the “NICE” program to have various levels of city staff assist in resolving the issues. There has been no word on whether this has actually occurred, but the suggestion certainly gave neighbors hope.

### **Changing Zoning – Duplex, Tri-plex, Four-plex?**

Having just experienced a neighborhood fire at a property on Via Catalina as a result of a poorly maintained property, neighbors’ concerns about this property appear warranted. Who would choose to do electrical work at night? And who would stop the work only when neighbors appear to notice or code enforcement or law enforcement comes by?

The answer may lay in the fact that when the property was purchased in 2003 it was listed as a duplex consisting of 3 bathrooms and 7 bedrooms (sometimes listed as 4). It currently is alleged to contain 7 bathrooms, and the contemplated addition would add an 8<sup>th</sup>. Why are so many bathrooms required for a property with 2 adult owners in one unit, one tenant and one (expired) short term rental? Neighbors allege that it is actually a four-plex, including a second illegal STR with an unpermitted exterior door and shower. They were told that the City is allowing this unit to be rented as a long term rental, despite the apparent code infractions.

### **Invitation to use as a Section 8 rental**

This appears to be the unit advertised as Unit “B1” in this [link](#) stating that “*Section 8 is welcome*”. Section 8 developments generally require strict development standards and review. Is a Section 8 rental being offered outside proper channels? There currently appear to already be 4 units in the building (defined above), and the owner is hoping to add a 5<sup>th</sup>. This property is zoned as a duplex and was sold in a duplex in 2003. City staff claim, according to neighbors, that it is a “grandfathered” triplex. How did that occur when it sold as a duplex 14 years after Dana Point was incorporated? Did neighbors receive public notices when the zoning changed to a triplex or 4-plex?

The presence of unpermitted units is further evidenced by the huge number of trash bins (10 in one photo – double dipping on trash services by scheduling trash pickups on both Camino Cap and Via CA).

### **Violations of STR Ordinance**

Neighbors allege that the proposed Section 8 rental has been active as a second



STR for some time. Code enforcement records show several instances of illegal STR advertising and non-payment of TOT, and yet the permit has not been revoked. Why would anyone trust that additional construction will not simply result in more of the same misbehavior?

### **Parking and Safety Issues**

The parking situation causes ongoing issues because the property is alleged to have a plethora of cars between the owner, legal and illegal short term rental tenants and the long term tenant who allegedly sublets part or all of his unit. In addition to this, neighbors claim that temporary workers frequently park and sleep on site, including on the existing outdoor balcony. Cars allegedly frequently block the sidewalk impairing pedestrian traffic to the corner. There is a raised concrete area that faces Camino Cap and is used as a parking spot, directly facing the sidewalk, potentially raising safety issues for pedestrians. There is also a long concrete patio that was added on at some point post 2003 which runs the entire length of Camino Cap, possibly impeding the city easement. Was this permitted? Further, the front landscaping which consists of cheap, ill-laid artificial carpet has been left unfinished for years. A black tarp type material held down by bricks forms an unsightly trip hazard on both Via CA and Camino Cap.

### **Rewarding Bad Behavior?**

The entire property is an aesthetic eyesore with mismatched faded paint, obvious patch work and unfinished "landscaping". The thought of giving this owner an opportunity to build on yet again, perhaps with similar nighttime construction and potential illegal changes, is disturbing. Granting this permit would basically reward bad behavior while risking more of the same. While the City might think all can be solved with calls to code enforcement or police, the neighbors take little comfort from this. They relate story after story of after-hours construction that stops when police or city staff show up, only to continue once they're around the corner. The neighbors resent being placed in the position of policing a property owner who has allegedly repeatedly and flagrantly ignored city codes.

At a recent neighborhood watch meeting, neighbors reported a drug transaction between the tenant at this property and a person from the sober living unit across the street. Other allegations of inappropriate and possibly illegal behavior were cited as well. Neighbors are rightfully concerned about the planned use of this addition. Will it become rental unit 5, another illegal STR, or an unapproved Section 8 rental?

### **Full Planning Commission Hearing Warranted**


Please note that the attached photos were forwarded to me by residents who documented some of the alleged code violations. You should be hearing directly from some of these residents. My opinion is largely based on a steady stream of allegations and complaints from concerned citizens. It is my belief that they represent legitimate and serious issues with this property as outlined above.

If you must allow this permit request to proceed, please do so at a full Planning Commission hearing. The long history of nuisances warrant that this matter should not be subject solely to an administrative hearing on the day after Labor Day weekend. A full vetting with lengthier notice would allow staff time to review historical records, compare current conditions to conditions at the time of purchase in 2003, review all permits and complaints on all three addresses of record and allow others to gather evidence and come forward with information that should be considered.

I urge you to ideally, deny this permit until the property can be thoroughly inspected, all unpermitted construction removed, and any defects corrected. Failing that, I respectfully request that you defer this matter to a full public Planning Commission hearing for a full and open public vetting.

Respectfully submitted,

Toni Nelson  
Capo Cares

	Beds 7	Full Baths 3	Half Baths N/A	Sale Price \$1,100,000	Sale Date 12/11/2003
	Bldg Sq Ft N/A	Lot Sq Ft 7,349	Yr Built 1952	Type MLT FAM DWLG	

## OWNER INFORMATION

Owner Name	Kadakia Pankaj B	Tax Billing City & State	Rancho Palos Verdes, CA
Owner Name 2	Kadakia Sonal P	Tax Billing Zip	90275
Mail Owner Name	Pankaj B & Sonal P Kadakia	Tax Billing Zip+4	1760
Tax Billing Address	5753 Ironwood St	Owner Occupied	No

## LOCATION INFORMATION

Zip Code	92624	School District	Capistrano
Carrier Route	C005	Comm College District Code	S Orange Co
Tract Number	735	Census Tract	422.01

## TAX INFORMATION

APN	691-382-06	Lot	1
% Improved	16%	Block	10
Tax Area	28019	Water Tax Dist	S Coast
Legal Description	N-TRACT: 735 BLOCK: 10 LOT: 1		

## ASSESSMENT &amp; TAX

Assessment Year	2021	2020	2019
Assessed Value - Total	\$1,601,801	\$1,585,377	\$1,554,292
Assessed Value - Land	\$1,348,583	\$1,334,755	\$1,308,584
Assessed Value - Improved	\$253,218	\$250,622	\$245,708
YOY Assessed Change (\$)	\$16,424	\$31,085	
YOY Assessed Change (%)	1.04%	2%	
Tax Year	Total Tax	Change (\$)	Change (%)
2019	\$18,171		
2020	\$18,675	\$504	2.77%
2021	\$19,447	\$771	4.13%
Special Assessment	Tax Amount		
S/C Wd Water Maint	\$1,748.35		
Water Peak Demand	\$754.04		
Water Capacity Chg	\$707.32		
Mosq/Fire Ant Assmt	\$28.03		
Mwd Water Stdbdy Chg	\$11.60		
Vector Control Chg	\$6.72		
Total Of Special Assessments	\$3,256.06		

## CHARACTERISTICS

County Land Use	Multi Fam Residence	Fireplaces	1
Universal Land Use	Multi Family Dwelling	Water	Public
Lot Acres	0.1687	Sewer	Type Unknown
Lot Area	7,349	Cooling Type	Central
Bedrooms	7	Year Built	1952
Total Baths	3	# of Buildings	1
Full Baths	3		

## SELL SCORE

Value As Of	2022-09-11 05:36:02
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## LISTING INFORMATION

MLS Listing Number	<a href="#">S380709</a>	MLS Original List Price	\$1,950,000
MLS Status	Expired	MLS Listing Agent	Soakobob-Bob Oakes
MLS Area	CB - CAPISTRANO BEACH	MLS Listing Broker	HOME & LOAN SERVICES INC

## Property Details

The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable, but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Generated on: 08/14/22

Page 1/3

## 26122 Via California

<b>CASE_NO</b>	CE17-0770	<b>SITE_ADDR</b>	26122 VIA CALIFORNIA
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	work without permits
<b>CASETYPE</b>	15 PERMITS	<b>RECORDID</b>	TRH:1706080303437058

<b>CASE_NO</b>	CE20-0730	<b>SITE_ADDR</b>	26122 VIA CALIFORNIA
<b>CASE_LOCATION</b>	driveway	<b>CASE_NAME</b>	8/4/2020 unpermitted carport
<b>CASETYPE</b>	15 PERMITS	<b>RECORDID</b>	BM:2007210320223683

## Several Nuisance Violations

## 34570 Camino Capistrano

<b>CASE_NO</b>	CE08-0026	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>		<b>CASE_NAME</b>	BLOCK WALL NO PERMITS
<b>CASETYPE</b>	15 PERMITS	<b>RECORDID</b>	AMD:801101442000004

<b>CASE_NO</b>	CE17-1517	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	front deck	<b>CASE_NAME</b>	work without permits
<b>CASETYPE</b>	15 PERMITS	<b>RECORDID</b>	TRH:1711020340287438

<b>CASE_NO</b>	CE15-0618	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	advertise as short term rental
<b>CASETYPE</b>	26 SHORT TERM RENT	<b>RECORDID</b>	TRH:1505191045539431

<b>CASE_NO</b>	CE15-1064	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	advertise for Short Term Renta...
<b>CASETYPE</b>	26 SHORT TERM RENT	<b>RECORDID</b>	TRH:1508250402171711

<b>CASE_NO</b>	CE17-1108	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	Failure to pay TOT
<b>CASETYPE</b>	26 SHORT TERM RENT	<b>RECORDID</b>	TRH:1708151054038007

<b>CASE_NO</b>	CE17-1575	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	failure to pay TOT
<b>CASETYPE</b>	26 SHORT TERM RENT	<b>RECORDID</b>	TRH:1711140332145036

<b>CASE_NO</b>	CE18-0103	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	Late TOT
<b>CASETYPE</b>	26 SHORT TERM RENT	<b>RECORDID</b>	TRH:1801260859080614

<b>CASE_NO</b>	CE18-0401	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	Late TOT
<b>CASETYPE</b>	26 SHORT TERM RENT	<b>RECORDID</b>	TRH:1804230343209170

<b>CASE_NO</b>	CE18-0744	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	Failure to pay TOT
<b>CASETYPE</b>	26 SHORT TERM RENT	<b>RECORDID</b>	TRH:1807271021323385

<b>CASE_NO</b>	CE18-1150	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	(12-1-18) Late TOT
<b>CASETYPE</b>	26 SHORT TERM RENT	<b>RECORDID</b>	TRH:1811010122006049

<b>CASE_NO</b>	CE19-0081	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	Late TOT
<b>CASETYPE</b>	26 SHORT TERM RENT	<b>RECORDID</b>	TRH:1901300359299371

<b>CASE_NO</b>	CE20-1249	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	Late TOT
<b>CASETYPE</b>	26 SHORT TERM RENT	<b>RECORDID</b>	TRH:2012011119469788

They have other violations including overwatering, discarded couches in the front yard, and other violations.

<b>CASE_NO</b>	CE12-0647	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>		<b>CASE_NAME</b>	overwatering
<b>CASETYPE</b>	31 OVERWATERING	<b>RECORDID</b>	LGZ:1209210933278815

<b>CASE_NO</b>	CE19-0124	<b>SITE_ADDR</b>	34570 CAMINO CAPISTRANO
<b>CASE_LOCATION</b>	at property	<b>CASE_NAME</b>	discarded couches in front yar...
<b>CASETYPE</b>	20 TRASH	<b>RECORDID</b>	TRH:1902110428283571









Feb 2, 2022 08:18:36  
34561 Camino Capistrano  
Dana Point  
Orange County  
California





# LAST MARKET SALE & SALES HISTORY

Recording Date	01/27/2004	Deed Type	Grant Deed
Sale Date	12/11/2003	Owner Name	Kadakia Pankaj B
Sale Price	\$1,100,000	Owner Name 2	Kadakia Sonal P
Document Number	62664	Seller	Bennett Family Trust
Sale Type	Full		

Recording Date	04/11/2019	08/31/2007	08/24/2005	01/28/2004	01/27/2004
Sale Date	04/09/2019	07/31/2007	08/16/2005	01/13/2004	12/11/2003
Sale Price			\$800,000		\$1,100,000
Nominal	Y	Y		Y	
Buyer Name	Kadakia Pankaj B & Sonal P	Om Family	Kadakia Pankaj B & Sonal P	Kadakia Pankaj B	Kadakia Pankaj B
Seller Name	Om Family Lp	Kadakia Pankaj B & Sonal P	Kadakia Pankaj B & Sonal P	Kadakia Pankaj B	Bennett Family Trust
Document Number	115955	541705	668298	63377	62664
Document Type	Grant Deed	Grant Deed	Grant Deed	Grant Deed	Grant Deed

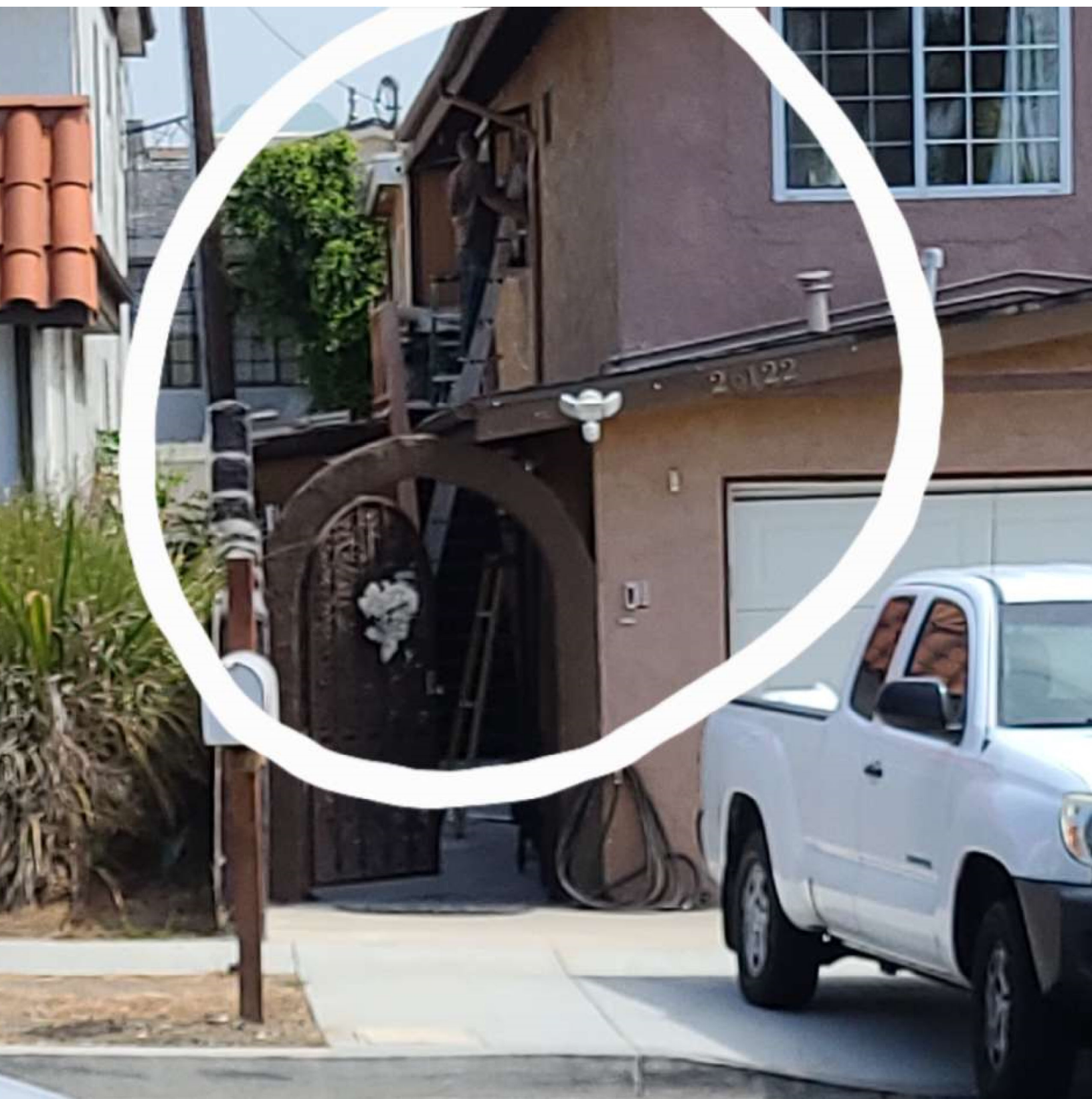
Recording Date	09/11/1990	06/17/1986
Sale Date	08/1990	04/1986
Sale Price		\$335,000
Nominal	Y	
Buyer Name	Bennett Florence F & 34570 B C	Bennett Perry C & Florence I
Seller Name	Bennett Perry C	Denis Stephen F
Document Number	481828	254757
Document Type	Quit Claim Deed	Grant Deed

## MORTGAGE HISTORY

Mortgage Date	01/06/2022	07/27/2021	06/24/2021	03/26/2020	01/27/2004
Mortgage Amount	\$204,100	\$1,200,000	\$337,500	\$336,000	\$500,000
Mortgage Lender	US Bk Na	United Wholesale Mtg	Mortgage Mac	Mortgage Mac	Argent Mtg Co LLC
Mortgage Code	Conventional	Conventional	Conventional	Conventional	Conventional

Mortgage Date	01/27/2004	12/23/1999	06/17/1986
Mortgage Amount	\$300,000	\$385,000	\$158,000
Mortgage Lender	Private Individual	Wells Fargo Bk	
Mortgage Code	Private Party Lender	Conventional	Private Party Lender





Garage before  
electrical work



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











**From:** [Comment](#)  
**To:** [Alyssa Gonzalez](#); [Brenda Wisneski](#); [Martha Ochoa](#)  
**Subject:** FW: Building permits for 34572 Camino Capistrano.  
**Date:** Monday, October 28, 2024 10:08:32 AM

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Public Comment for Item 4

**Shayna Sharke, CMC** | City Clerk

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**From:** JP Patterson <jppatterson@dslextreame.com>  
**Sent:** Sunday, October 27, 2024 4:25 PM  
**To:** Comment <Comment@DanaPoint.org>  
**Cc:** Alyssa Gonzalez <agonzalez@danapoint.org>  
**Subject:** Building permits for 34572 Camino Capistrano.

**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.

Dear Dana Point Planning Commission.

This is in reference to the planning commission meeting on 10/28/24 and the agenda item for 34572 Camino Capistrano.

I have been a property manager, handyman and project supervisor in Orange County for over 20 years. Mostly in the Ritz Cove and Monarch Bay community's. I have interacted several times with the city of Dana Point to get projects approved properly.

It has been long known by the Planning Commission that for years the owner of the property has been illegally building additional bedrooms, bathrooms and kitchens as well as adding additional electrical service and plumbing. Many of these projects were done by ignoring, dodging or taking advantage of the proper permitting process.

This has now changed this property from a Duplex to a property where we do not know how many proper living areas it has.

We do know it is now becoming a short-term rental including nightly or shorter stays.

It's kinna funny, when you look up the property on Zillow, Redfin, etc. it does not list ANY Bedrooms, Bathrooms, etc.??? I have never seen that before. Don't you think that is strange? Why would the owner do that?

Many people taking advantage of the property are less than ideal. One long term tenant regularly approaches women walking past the property from his vantage point on his patio offering them drugs and a "Good Time". Other tenants are arriving and departing at all hours around the clock. They park all over the place and often block the sidewalk.

I could keep going on and on but I think you have already heard many of the complaints.

The owner has proven many times he cannot be trusted to properly improve the property and be an asset to the neighborhood. Anyone who purposefully and deceptively tries to bend and break the rules cannot be trusted to do the right thing in



the future.

Considering the history of this property and the reoccurring issues with the owner, we the neighbors strongly request the Planning Commission turn down any current and all future requests for additional construction on the property.

Respectfully submitted,  
JP & ViAnn Patterson  
26152 Via California St.

## ITEM 4

**From:** [Comment](#)  
**To:** [Alyssa Gonzalez](#); [Martha Ochoa](#); [Brenda Wisneski](#)  
**Subject:** FW: 10/28/2024 Public Hearing Item #4  
**Date:** Monday, October 28, 2024 10:07:25 AM

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Public Comment for Item 4

**Shayna Sharke, CMC** | City Clerk

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**From:** Cody Beeson <cbeeson1@gmail.com>  
**Sent:** Monday, October 28, 2024 7:09 AM  
**To:** Comment <Comment@DanaPoint.org>  
**Cc:** Alyssa Gonzalez <agonzalez@danapoint.org>  
**Subject:** 10/28/2024 Public Hearing Item #4

**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.

Hello,

I live at 26132 Via California Unit A. I am writing regarding the permits requested at 34572 Camino Capistrano and to state my opposition. The surrounding neighborhood would not benefit from additional units at that address. The additional unit so close to already tight quarters would make the environment unpleasant to live. Especially with them using one of the units as a short-term rental in the past, it brings extra traffic and noise. It is a quiet and peaceful neighborhood, and I would like it to stay that way. I believe much of the neighborhood feels the same.

This location has not had the best track record of tenants. I have seen the police at unit C at least once and usually do my best to avoid even walking in front of that unit when out for a walk in the neighborhood. The prior tenant in unit A had many guests stop by frequently for short stays. I can't say for certainty the nature of their visits, but it definitely gave concern for the safety of the neighborhood. While they are no longer there, it raises worries about who the future tenants will be. If this location has more units with unfavorable tenants, it will have a major impact on the surrounding neighbors.

My final concern is the construction. The property has in the past worked right up until the city limits of the construction hours and sometimes past. While I understand construction is necessary, it's not pleasant at 8pm on a weekday.

If possible I would like to stay unanimous.

Please reach out to me if you have any questions or I could help with any additional information.

Thank you,  
Cody Beeson  
661-209-0159  
Sent from my iPhone

## ITEM 4

**From:** [Comment](#)  
**To:** [Martha Ochoa](#); [Brenda Wisneski](#); [Alyssa Gonzalez](#)  
**Subject:** FW: Oct 28 Planning Commission Agenda Item 4 for 34572 Camino Capistrano  
**Date:** Monday, October 28, 2024 10:06:32 AM  
**Attachments:** [Exhibits.pdf](#)

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Public Comment for Item 4

**Shayna Sharke, CMC** | City Clerk

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**From:** Teri W. <Twk883@outlook.com>  
**Sent:** Monday, October 28, 2024 9:57 AM  
**To:** Comment <Comment@DanaPoint.org>  
**Subject:** Oct 28 Planning Commission Agenda Item 4 for 34572 Camino Capistrano

**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.

Please forward to the Planning Commission with the **attached Exhibits**. Due to threats and intimidation by people from the subject property, I am electronically submitting this comment. If there are any issues with this submittal, please inform me ASAP so that I can arrange to have my comment dropped off. Thank you.

Conditional Use Permit CUP-24-0003(M) and Site Development Permit SDP23-0033(M) should be denied as follows:

- A. The proposed additions contravene the intent of Chapter 9 of the Dana Point Municipal Code to “promote and encourage the ultimate conversion of nonconforming uses and structures” to those “that are conforming to this Code.”**

Dana Point’s Code explicitly provides:

“It is the intent of this Chapter to promote and encourage the ultimate conversion of nonconforming uses and structures to uses and structures that are conforming to this Code.” (See § 9.63.010 titled “Intent and Purpose”).

The proposal of an additional living quarters to a nonconforming property defeats the intent and purpose of Chapter 9 of the Municipal Code and exacerbates the nuisances

and adverse impacts to the community described below.

Further, the Code states that any improvement of the nonconformity should not lead to an “increase in nonconformity” (See § 9.63.010).

Neighbors' quality of life have been adversely impacted by nuisances and a myriad of issues arising out of the nonconforming nature and use of the subject property - including unorthodox rentals, blocked sidewalks, a long history of unpermitted and after hours construction, violation(s) of stop work orders, and reports of drug activity and prostitution from these irregular rentals of “living spaces” that were created from the after hours construction without permits. Code Enforcement and Law Enforcement have frequently had to respond to issues arising out of this property. These issues have not been resolved and continue to the date of this hearing.

**B. The proposed 396 square feet “habitable space” would constitute another living quarters that is likely to be rented out to another party. This would be a 5th unit in an area zoned for max duplex.**

According to the Agenda Report, “the floor plan of the second story would include a new living room, bathroom, closet and balcony” and “a new open passageway” (Page 3). Given the property owner’s history of splitting units, renting out spaces within existing units, and other unorthodox rental arrangements, this addition would constitute a living quarters that would be rented out to yet another party.

The Agenda Report acknowledges that the subject property is a “three-unit structure,” which is nonconforming “as the maximum density allowed in the RD 14 Zoning District would be a duplex” (See Page 2, Background). Note that neighbors dispute the “legal” nonconforming label and believe that Staff is erroneous in this information. Discussion with long-residing owners and residents in the area and historical records confirm that additional unit(s) were added after Capistrano Beach’s incorporation in 1989. Therefore, the property cannot be considered “grandfathered in.”

Further, in what is a continued cycle of disregard and abuse of the Code, the subject property owner repeats a pattern of exploiting ambiguity and uneven enforcement. There is an already illegally constructed studio carved out of what Staff describes as Unit B that has been advertised as a studio inviting “Section 8” tenants (See Exhibit 1) and rented out on a short-term basis as an illegal STR and suspicious half nightly or even shorter-duration rentals to suspected sex workers. This illegal unit is sometimes described as Unit B-1 and has been advertised by the property owner as a “studio” (See

Exhibit 1). Neighbors' recent discussion and correspondence with the subject property owner's realtor confirms that they are seeking to rent out the previous 2 bedroom expired STR for \$4000 and the illegally created studio (with a separate exterior entrance on Via California) for \$1800. Copies and confirmation of these correspondences can also be corroborated by CapoCares. Exhibit 1 also includes a recent screenshot of the subject property owner's links to photographs to the studio - sent by his realtor - that he describes as the "AirBnB studio" Thus, **the property owner currently operates 4 units on the property in an area zoned maximum duplex.**

Moreover, neighbors have also witnessed and continuously reported to Code Enforcement a number of unorthodox rental arrangements including to workers staying overnight conducting after hours construction, strangers sleeping and cooking on the balcony (which is now proposed to be enclosed as part of the addition), and other peculiar characters renting out portions of the property, which includes seven (7) bathrooms for the only 3 long-term residents residing on the property. The Title Report to this property at the time of purchase in 2003 by the current owner reveals there are only 3 recorded bathrooms (See Exhibit 2). Neighbors believe that the additional 4 bathrooms were constructed without permits. Moreover, a downstairs bathroom that was previously just a powder bathroom now has a shower without the proper permits.

**C. Allowing the characterization of an addition as a "living quarters" to bypass parking requirements establishes a poor precedent that is ripe for abuse.**

The Agenda Report acknowledges that the property "contains nonconforming parking conditions" (Page 3). Further, the Agenda Report observes that "the subject property is nonconforming to the minimum number of parking stalls" (Page 2). However, there is an erroneous analysis that the "proposed addition does not include any bedrooms that create increased parking demand" (Page 3). As noted above, the subject property has a history of renting out "living spaces" in unorthodox rental arrangements including the carved out "studio" from what Staff describes as Unit B. If the reasoning in the Agenda Report is accepted, any property owner could continuously carve out studios, characterize them as "living spaces" without describing them as bedrooms, and rent them to other parties to bypass requirements for parking. The proposed "new bathroom and closet" would allow the subject property owner to create yet an additional rental. As noted above, the property owner has advertised and rented an illegally created studio - without a kitchen - and modified a bathroom to add a shower as an illegal STR and rental (See Exhibit 1).

**D. Even in its current form - without the proposed addition - the subject property presents a parking hazard and nuisance that has required frequent intervention by Neighbors, Code Enforcement, and Law Enforcement.**

The Agenda Report acknowledges that the property has a “nonconforming front yard setback per the RD14 development standards. Via California is considered the structure[']s [sic] front yard.” The current front yard setback is well below the 20 foot setback provided by the Code (See Table on Page 4). The Agenda Report finds that the existing setback is only 9’1” - well below the minimum required setback required by DPZC Code Section 9.09.030. The average length of a car is 14.7 feet.

Vehicles related to this property often park in front of the garages located on Via California and block the sidewalk as nearly every vehicle in the U.S. car market is longer than the existing setback (See Exhibit 3).

Neighbors have had to correct a variety of groups staying on the property from blocking sidewalks. Code Enforcement has had to intervene to address the issues of blocked sidewalks. Law Enforcement has also addressed the issue of vehicles parking on the sidewalk.

The issue has not been resolved and continues to present problems up to the date of this hearing (See Exhibit 3 for pictures of blocked sidewalks dated 2019 to October 2024).

**E. The subject property owner is a serial offender of the Code and continues to commit the same violations to the detriment of neighbors and the community.**

The subject property owner is not an unwitting property owner or one who is unaware of the law. He owns multiple different properties and has attempted to open a sober living business in the area.

Since his purchase of APN: 691-382-06 (the property now described as 34572 Camino Capistrano), the subject property has utilized numerous different house numbers including 26122 Via California and 34570 Camino Capistrano (See Exhibit 4 and Exhibit 2 for the Title Report showing the address 26122 with the subject property’s APN). City workers have also confirmed that the property owner has also utilized other house numbers with the County and other layers of government for the subject property.



Repeat identical violations were committed including illegal advertising of STR, late or nonpayment of TOT, construction without permits, after hours construction, and exceeding the scope of permits (See Exhibit 5).

The City's generous policies of forgiveness were abused by this property owner. Before the City's STR program, the subject property was caught illegally advertising and renting an unpermitted STR. After the City graciously granted him a STR permit, notwithstanding these violations, the subject property owner decided to create another illegal STR and was caught illegally advertising and renting this second unpermitted STR. Further, the subject property owner knowingly and continuously avoided payment of TOT.

The subject property owner frequently conducted construction without permits. Only when caught did he seek to obtain permits; these permits were then used as cover to conduct additional construction. He often far exceeded the scope of these permits. When confronted by neighbors or code enforcement, the subject property owner would resort to conducting construction after hours in the dead of night. His workers would physically threaten neighbors and the subject property owner literally went door-to-door demanding to know who was reporting the after-hours construction and threatening retaliation. Even an investigation and a Stop Work Order by then Code Enforcement Supervisor Jeff Rosaler was not enough to deter the subject property owner as he was caught violating Mr. Rosaler's Stop Work Order - including having workers sleep overnight on the property and plaster, paint, and drywall over unpermitted work knowing that city officials would be loath to force him to open up enclosed walls. This pattern of behavior continues to the current day. Even as recent as September 2024, the subject property owner was caught conducting construction after hours. Emails were sent by several neighbors to Code Enforcement and via the Report to DP app reporting the after hours construction.

**Planning Commission denial is warranted when a repeat offender continues to exploit the City's forgiving policies and exhibits a continued reckless disregard for the Code, city officials, neighbors, and the community.**

Thank you.

# Exhibit 1

hotpads.com/34

More Listings

Commute

Add destination

About 34572 Camino Capistrano #B1

PLEASE INQUIRE FIRST THRU ZILLOW / HOT PADS / TRULIA. PLS DO NOT TEXT / CALL THE LISTED # **SECTION 8 IS WELCOME** Fully Furnished, all utilities paid. This is a Studio in Capistrano Beach (Dana Point). It is FURNISHED & used as a Condo / Home / Office with TV & wi-fi. Call it a Studio near the Beach. Ideal for a single Person. Seeking longer Lease. Fully Furnished 24/7 FREE Hi-Speed Wi-Fi 24/7 Cable with 42" new HD-TV. All Utilities Included. No dedicated Kitchen BUT all the necessary facilities are included such as Refrigerator, Microwave, Coffee Maker, Hot Plates, etc. LOCATION: - Across the street from Ocean Cliff Road. A few blocks from Pines Park. A few blocks to Freeway 5. Quiet Friendly Neighborhood. Newly upgraded 1 Bedroom, 1 Bathroom Studio. Hear the crashing waves and enjoy sea breezes. Near Costco, Dana Point Harbor, Restaurants, Grocery Stores, Shopping centers. FEATURES: - This home has been freshly painted with soft accent colors and has beautiful Tiled floors. Nice Lounge. Secured, gated home. Security

cloud.greenglobal.com/1/5WzSz27/AirBnB\_Studio\_

AirBnB Studio

Shared by Pankaj Kadakia - Accessible until Oct 1, 2025

Download Folder

ITEM NAME	SIZE	DATE MODIFIED
1) Studio.jpg	13.9 MB	Apr 21, 2023 01:16 PM
2) Ocean View from Window.jpg	14.7 MB	Apr 21, 2023 01:16 PM
3) Closet -Sofas-Entrance.jpg	11 MB	Apr 21, 2023 01:16 PM
4) Closet-Refrigerator-Microwave Oven.jpg	10.8 MB	Apr 21, 2023 01:16 PM
5) Full Bathroom.jpg	11.9 MB	Apr 21, 2023 01:16 PM
6) Supplies-Linens-Hot Plate-Toaster_Ironing.jpg	12.2 MB	Apr 21, 2023 01:16 PM

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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.

Premier Host House

Dana Point Ocean Front Studio

Sleeps 1 · 1 bedroom · 2 beds

4.9 rating on other travel sites

\$142 /night

\$1,196 total

Premier Host Condo

Beautiful Capistrano Beach Vacation Home

Sleeps 6 · 2 bedrooms · 2 beds

Wonderful 4.9

\$299 /night

\$2,488 total

Google

Map data ©2022 Google

Unit B-1 is an illegally created studio that the subject property owner has rented: a) as an illegal STR simultaneously with an expired 2-bedroom STR; b) to workers conducting after hours construction; and c) in unorthodox rental arrangements such as half nightly or shorter rentals. This unit has an unpermitted shower and a quasi-kitchen and continues to be rented as a studio, making it a 4th unit in a property zoned for max duplex. Neighbors desire to see the exterior entrance to this unit closed off/cancelled.

# Exhibit 2

26122 Via California, Dana Point, CA 92624-1202, Orange County Expired Listing  
APN: 691-382-06 CLIP: 3454227309

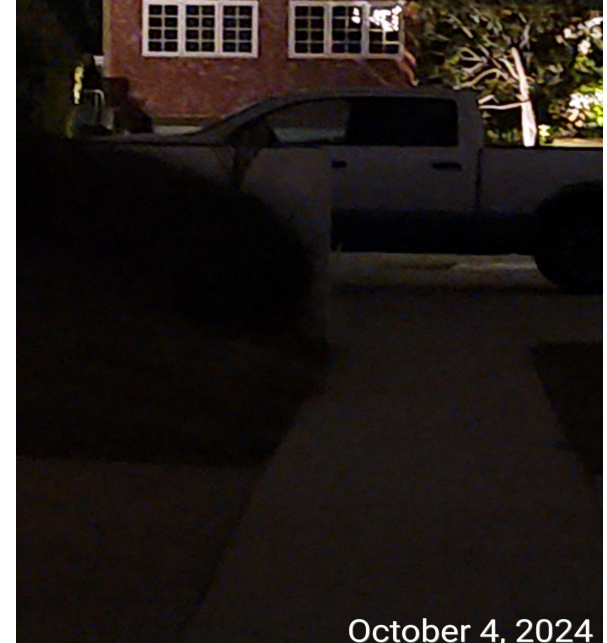
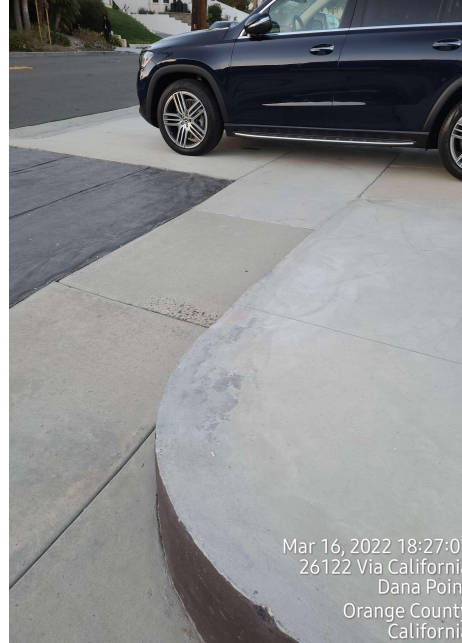
Bed	7	Full Baths	3	Half Baths	N/A	Sale Price	\$1,100,000	Sale Date	12/11/2003
Bldg Sq Ft	N/A	Lot Sq Ft	7,349	Yr Built	1952	Type	MLT FAM DWLG		
OWNER INFORMATION									
Owner Name	Kadakis Panaj D				Tax Billing City & State	Rancho Palos Verdes, CA			
Owner Name 2	Kadakis Sonal P				Tax Billing Zip	90275			
Mail Owner Name	Panaj R & Sonal P Kadakis				Tax Billing Zip+4	1790			
Tax Billing Address	5753 Ironwood St				Owner Occupied	No			
LOCATION INFORMATION									
Zip Code	92624				School District	Capistrano			
Carrier Route	C005				Comm College District Code	S Orange Co			
Tract Number	735				Census Tract	422.01			
TAX INFORMATION									
APN	691-382-06				Lot	1			
% Improved	16%				Block	10			
Tax Area	28019				Water Tax Dist	S Coast			
Legal Description	N-TRACT: 735 BLOCK: 10 LOT: 1								
ASSESSMENT & TAX									
Assessment Year	2021				2020	2019			
Assessed Value - Total	\$1,601,801				\$1,585,377	\$1,554,292			
Assessed Value - Land	\$1,248,383				\$1,334,755	\$1,308,594			
Assessed Value - Improved	\$353,418				\$250,622	\$245,708			
YOY Assessed Change (\$)	\$16,424				\$31,585				
YOY Assessed Change (%)	1.04%				2%				
Tax Year	Total Tax				Change (\$)	Change (%)			
2019	\$18,171								
2020	\$18,675				\$504	2.77%			
2021	\$19,447				\$771	4.12%			
Special Assessment					Tax Amount				
S/C Wd Water Mount					\$1,748.35				
Water Peak Demand					\$754.04				
Water Capacity Chg					\$707.32				
Mwd/Fire Ant Assmt					\$28.03				
Mwd Water Strdy Chg					\$11.60				
Vector Control Chg					\$6.72				
Total Of Special Assessments					\$3,256.06				
CHARACTERISTICS									
County Land Use	Multi Fam Residence				Fireplaces	1			
Universal Land Use	Multi Family Dwelling				Water	Public			
Lot Acres	0.1687				Sewer	Type Unknown			
Lot Area	7,349				Cooling Type	Central			
Bedrooms	7				Year Built	1952			
Total Baths	3				# of Buildings	1			
Full Baths	3								
SELL SCORE									
Value As Of	2022-09-11 05:36:02								
LISTING INFORMATION									
MLS Listing Number	5380709				MLS Original List Price	\$1,950,000			
MLS Status	Expired				MLS Listing Agent	Sokkebob-Rob Oske			
MLS Area	CB - CAPISTRANO BEACH				MLS Listing Broker	HOME & LOAN SERVICES INC			

Property Details: The data on this report is generated by County of Orange public and private sources. The data is current as of the date of the report. The accuracy of the data presented herein can be independently verified by the recipient of this report with the applicable county or municipality. Generated on: 09/14/22 Page 1/3

The subject property, APN: 691-382-06 (previously known as 26122 Via California; currently described as 34572 Camino Capistrano) was purchased in 2003 by the current owner. The title report reveals that there are only 3 recorded bathrooms. Currently, the property has seven (7) known bathrooms with additions including conversion of a powder bathroom to a full bathroom without permits.

The proposed addition would add bathroom eight (8) in a property that only has 3 long-term residents and no known valid permits for the extra bathrooms.

# Exhibit 3



The nonconforming density and setback leads to vehicles parking in a manner that blocks the sidewalk. This is a safety concern as pedestrians are forced onto the street. The subject property sits on the corner of Via California and Camino Capistrano, which are heavily trafficked streets with vehicles traveling at relatively high speeds. There have been near accidents as vehicles may not be able to see pedestrians. The issue is not resolved and continues to be a frequent occurrence as of the date of the Oct 28, 2024 hearing.



# Exhibit 4

Prior house number 34570



Current house number 34572



The property has utilized a variety of different house numbers including 26122 Via California, 35470 Camino Capistrano, and now 34572 Camino Capistrano. The property owner has also utilized different house numbers for other layers of government. Adding to the confusion is that this property owner was authorized to take over the house number of a law-abiding citizen, 34570 Camino Capistrano, with no reported violations or nuisances. City staff also seems confused as queries about the subject property has led to a mixture of responses with some aware of the litany of abuses and violations and others believing there have been no prior issues.

# Exhibit 5

SITE_ADDR	CASE_NO	CASETYPE	CASE_NAME	SITE_ADDR	CASE_NO	CASETYPE	ACTIVITYTYPEID
34570 CAMINO CAPIS`	CE08-0026	15 PERMITS	BLOCK WALL NO PER	26122 VIA CALIFORNIA	CE16-1001	21 CANS IN VIEW	4
34570 CAMINO CAPIS`	CE09-0070	13 OTHER	Garage Sales	26122 VIA CALIFORNIA	CE17-0770	15 PERMITS	4
34570 CAMINO CAPIS`	CE10-0879	29 VEGETATION	bushes over sidewalk	26122 VIA CALIFORNIA	CE19-0607	21 CANS IN VIEW	4
34570 CAMINO CAPIS`	CE12-0647	31 OVERWATERING	overwatering	26122 VIA CALIFORNIA	CE20-0730	15 PERMITS	4
34570 CAMINO CAPIS`	CE15-0618	26 SHORT TERM REN`	advertise as short term	26122 VIA CALIFORNIA	CE20-0887	37 BULKY ITEM PICKUP	4
34570 CAMINO CAPIS`	CE15-1064	26 SHORT TERM REN`	advertise for Short Term	26122 VIA CALIFORNIA	CE22-0061	34 STR NUISANCE VIOLATION	4
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 compl				
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				



The subject property owner was cited numerous times for the same violation including work without permits, violation of stop work orders, STR violations, and late or nonpayment of TOT. Note, this is not an exhaustive list. The subject property owner would also engage in bizarre behavior including lining up as many as 16 trash/recycle/green bins (10 bins on the Camino Capistrano side and 6 bins on the Via California side)

## Item 4

**From:** [Comment](#)  
**To:** [Martha Ochoa](#); [Alyssa Gonzalez](#); [Brenda Wisneski](#)  
**Subject:** FW: Letter regarding the unsightly property on 34572 Camino Capistrano!  
**Date:** Monday, October 28, 2024 1:28:40 PM  
**Attachments:** [Jule Aros comment to Planning Commission.docx](#)

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Shayna Sharke, CMC | City Clerk

-----Original Message-----

From: Julie Aros <julesnluv@gmail.com>  
Sent: Monday, October 28, 2024 12:56 PM  
To: Comment <Comment@DanaPoint.org>  
Subject: Letter regarding the unsightly property on 34572 Camino Capistrano!

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.



I'm writing to the Planning Commission regarding your agenda item 4, concerning the property at 34572 Camino Capistrano which is in my immediate neighborhood. This property has been the subject of constant complaints from area residents over the years. In my opinion, the owner is simply not respectful of the neighborhood or of city regulations. Over the last few years, I've seen a great deal of construction going on at this property (sometimes at night!) and each project seems to make it look worse. It's a hodge podge of small additions with openings appearing in walls that are poorly patched making the exterior look even worse. The paint is faded and streaked and there are at least 6 or 7 different colors on the exterior.

When those of us who walk dogs or try to navigate strollers on the sidewalk in front of this house, we are crammed right up along a concrete patio that doesn't seem to have the required landscape strip next to it to accommodate pedestrians. The "landscaping" on the median consists of cheap fake grass that is poorly laid, and for some reason has never been finished. (Neighbors say he didn't pay the contractor, so he didn't finish it). For a while there were bricks sitting on top to hold down the fake grass. The City apparently made him remove the bricks, so now we trip on the poorly laid, wavy "grass carpet" instead.

A simple google search shows that this is what the front yard looked like when the property was sold in 2003:



Note that it had a real front yard, with hedges and greenery and lots of space for pedestrians. How did the city allow a huge concrete patio to replace the yard? Not shown in the photo but around the corner on Via California, the owner has added a concrete pad to accommodate some of the many vehicles that seem to be associated with this property. The pad has no guard rail and is elevated above the sidewalk so that a parked car faces pedestrians. Frequently cars block the sidewalk so that it's impossible to navigate this corner at all.

I'm dismayed that a duplex has been allowed to become a four plex, and that such an eyesore has been allowed in our neighborhood as a result of apparently unpermitted construction. How can we possibly trust these owners to use licensed contractors to build yet another addition? And why on earth are you allowing a property that has somehow converted from a duplex to a four plex without permits, to now potentially add a fifth living unit?

This property is zoned as a duplex and the neighborhood would like to see it conform to zoning and return to that condition. Please deny this permit. It is undeserved and makes a nonconforming structure even

more out of synch with our city zoning codes. Please require the owners to remove the ugly patio, restore some landscaping and a walkable sidewalk, and restrict the property permanently to what the code allows – 2 living units only.

Thank you for your consideration of my comments. The neighborhood is counting on you to protect our zoning.

## Item 4

**From:** [Comment](#)  
**To:** [Alyssa Gonzalez](#); [Brenda Wisneski](#); [Martha Ochoa](#)  
**Subject:** FW: Agenda Item #4, 34572 Camino Capistrano  
**Date:** Monday, October 28, 2024 1:29:39 PM  
**Attachments:** [RH comment to PC 102824.docx](#)

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**Shayna Sharke, CMC** | City Clerk

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**From:** Rich Heine <rich@richheine.com>  
**Sent:** Monday, October 28, 2024 1:11 PM  
**To:** Comment <Comment@DanaPoint.org>  
**Subject:** Agenda Item #4, 34572 Camino Capistrano

**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.

Planning Commissioners, please see my attached comments regarding the current non-compliant property.

Regards,

Rich Heine

To: Planning Commissioners

From: Rich Heine, Capistrano Beach

Re: Agenda item #4 34572 Camino Capistrano (and at least two other former addresses)

Via email: [comment@danapoint.org](mailto:comment@danapoint.org)

I am really disappointed that this project has made it all the way to the Planning Commission, and worse, that City staff is recommending approval of what neighbors strongly believe will become a 5<sup>th</sup> living unit in a poorly maintained property that is actually zoned as a duplex.

This property was purchased in 2003 as a 4 bedroom, 3 bath duplex with proper landscaping in the front. Now, apparently without any permits, it has 7 bathrooms and 4 living units – a former short term rental (now a long term rental, apparently) with a safety issue because the bedroom opens to a garage, a tiny studio that has been rented illegally as a short term rental and also advertised as a “section 8 property” and even, according to neighbors, rented out by the day or night for dubious purposes; a long term rental with a tenant that has allegedly been offering drugs and other “services” to passersby; and the owners’ living space. How is this possibly tolerated in Dana Point, on one the nicest, high end streets in Capistrano Beach? Shouldn’t the city be interested in encouraging properties to be conforming instead of ignoring and even rewarding flagrant disregard for our zoning?

The plans before you tonight would unbelievably give these owners, who have had no respect for our city codes or their neighbors, an opportunity to add a potential 5<sup>th</sup> living unit which will have its own separate access via a staircase and elevator. I’m sure they’ll tell you that is not the purpose, but surely the history of this property would lead anyone to believe it’s a possibility.

It seems the owner is intent on expanding his property to the maximum extent possible, creating a 5-unit apartment building on a beautiful street with nothing but duplexes and single family homes. He has added at least 1,000 feet without permits; has removed the front landscaping and replaced it with a poorly constructed concrete patio; and has added an elevated concrete pad on the Via California side. How is it that those of us who follow the rules are required to have a certain amount of landscaping, but this owner gets a pass? How is that bathrooms and additions just “appear” without permits and there are no consequences?”

This comes on top of a recent situation where a property several lots down at 34622 Camino Capistrano managed to tear down an entire duplex without proper permits. It was only noticed when a neighbor complained. The property was approved to continue to do construction at last week's Planning Commission. I can only hope that the property is now on the city's radar and will be closely watched.

We need more proactive oversight in Capistrano Beach. This is a community in transition, and most residents are interested in promoting conforming properties and upgrading older homes with owners who respect the codes, follow the rules, get proper permits, and hire licensed contractors. Please help. We don't have HOAs to monitor this activity. We rely on City staff and bodies like the Planning Commission to protect our neighborhoods. We need your vigilance and oversight.

The project at 34572 should be denied and the owner should be forced to remedy his property so that it conforms to our zoning, instead of ignoring our zoning and rewarding someone who has broken all the rules.

Enough is enough.

**From:** [Comment](#)  
**To:** [Martha Ochoa](#); [Alyssa Gonzalez](#); [Brenda Wisneski](#)  
**Subject:** FW: 10/28 Planning Commission Hearing Agenda Item #4- 34572 Camino Capistrano  
**Date:** Monday, October 28, 2024 2:44:38 PM

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**Shayna Sharke, CMC** | City Clerk

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**From:** K. Taps <ktaps02@msn.com>  
**Sent:** Monday, October 28, 2024 2:43 PM  
**To:** Comment <Comment@DanaPoint.org>  
**Subject:** 10/28 Planning Commission Hearing Agenda Item #4- 34572 Camino Capistrano

**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.

Dear Planning Commission Members,

I am recommending denial of the minor conditional use permit/minor site development permit for 34572 Camino Capistrano. This property has been a severe problem property in the past and continues to host unsavory characters/create nuisances for the neighborhood. While I understand the current ask is not to increase square footage (although it seems they have done that somehow in the past after purchasing the property), the property's history of renting out every space possible lead to neighbors thinking the property owner will also rent out the living quarters he is proposing. Zoning allows for duplexes in this part of Capistrano Beach, and this property has turned into a 4-plex (potentially soon to be 5plex).

This property owner continues to present issues for the neighborhood in renting units on a short-term basis and renting to the types of people neighbors don't want in their community (e.g. drug dealers, prostitutes). There have been police records associated with this address related to incidents like drunk in public, verbal arguments between roommates, and sexual assault. The owner has presented paperwork to the City indicating he is no longer running a short-term rental, but residents have continued to see a "for lease" sign and continue to see units being rented out on a short-term basis. In the proposed plans, I didn't see any reference to close off the door to the illegal 4th unit, and the elevator would allow access to this living quarter space. Neighbors have seen shifty characters coming in and out of the gate on Via California and have found advertisements where the property owner was trying to rent out the side space with just a mini fridge and microwave, noting "section 8 welcome". Many of these guests stayed for a day or two at a time (or even shorter) and appear to be involved in transactions involving sex and/or drugs. Please deny any additions or permits related to this property.

Thank you.

## ITEM 4

**From:** [Comment](#)  
**To:** [Martha Ochoa](#); [Alyssa Gonzalez](#); [Brenda Wisneski](#)  
**Subject:** FW: October 28 2024 Planning Commission Agenda Item 4  
**Date:** Monday, October 28, 2024 4:03:26 PM  
**Attachments:** [34570 Camino Capistrano Code History with wall violation.pdf](#)  
[ATF Block Wall max height.pdf](#)  
[APN 691-382-06.pdf](#)

---

**Shayna Sharke, CMC** | City Clerk

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**From:** CW Myer <CWMyer@outlook.com>  
**Sent:** Monday, October 28, 2024 3:04 PM  
**To:** Comment <Comment@DanaPoint.org>  
**Subject:** October 28 2024 Planning Commission Agenda Item 4

**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.

Dear Planning Commission,

Neighbors are requesting denial of any additions to the property now described as 34572 Camino Capistrano. Please note that the subject property - with the APN 691-382-06 - has used multiple addresses in its history since the current owners purchased the property in December 2003. These multiple addresses have led to confusion for neighbors, city officials, and law enforcement as the owners of the subject property racked up numerous violations of the City Code and rented (long and short-term) to those who were involved in a myriad of illicit activity including drug sales, drug use, and prostitution.

Illegal additions have allowed this property to host bad actors who have committed numerous nuisances to our community. Neighbors recall that just months ago, a property just one block away, 34519 Via Catalina, caught fire. This property also had several illegal additions, which led to bad actors using the property as a base to engage in suspected illicit activity including drug use and sale. There were also reports of domestic violence. Despite strong suspicion from neighbors and a long history of reports to code enforcement and OCSD, the current state of the law allowed these nuisances to continue unabated. The fire, ironically, allowed city officials including City Manager Mike Killebrew and law enforcement Sgt. Chapple to take strong action to finally control this property.

Similarly, the subject property of 34572 Camino Capistrano (which houses a long-term



resident who is associated with the bad actors from the Via Catalina property) has illegal additions and unorthodox rentals that allow the hosting of bad actors. There is a long history of drug use, drug sale, and sex work at this property. Indeed, there may actually be more reports and violations related to the subject property at 34572 Camino Capistrano than the 34519 Via Catalina property that recently suffered a fire and was continuously referred to on social media as the “drug house.” The subject property owner insists on renting out irregular portions of his property with his additions including bathrooms and quasi-cooking areas created from after hours and unauthorized construction. The constant stream of the random assortment of characters coming in and out of the property who engage in what appears to be illicit transactions has put neighbors at unease. Given the constraints put on law enforcement and the simple fact that code enforcement cannot watch the property 24/7 and also has limited powers results in the illegal behavior continuing unabated.

Respectfully, neighbors believe that eliminating the means for these unorthodox rentals to continue will go a long way in preventing these nuisances. This means eliminating exterior doors to unpermitted units, removing the unpermitted bathrooms (only 3 bathrooms are recorded on the Title Report- the rest appear to be unpermitted), and not allowing partitions of the property that allow it to be separated - including after Code Enforcement is not watching. Bad actors are seen entering and exiting through a downstairs entrance on Via California to an illegally created 4th unit. Neighbors were led to believe by a member of Staff that the exterior door to the 4th unit would be closed off. They were disappointed to find that the Agenda Report does not have this requirement in the Conditions.

Neighbors also would like to see the demolition of an unpermitted and nonconforming retaining wall that extends the length of Camino Capistrano. People staying on the property frequently catcall and make demeaning comments and unwanted advances to young women as they walk past the property from the vantage point of this retaining wall that has become a raised patio.

Further, the parking situation should be remedied. The unpermitted density and nonconforming nature of the building and parking situation has led to cars parking on the sidewalk, blocking the ADA access ramp, and forcing pedestrians to walk on the street. This property is on the corner of Via California and Camino Capistrano - both heavily trafficked streets in Capistrano Beach with cars driving at relatively high speeds. There have been near misses of cars turning onto either street who cannot see the pedestrians because of the multitude of cars parked on the sidewalk, in front of the ADA ramp, or too close to the corner leading to blocked visibility.

Please deny any additions, require that the property provide the appropriate off-street/onsite parking required by the Dana Point Code, and the cessation of these unorthodox rentals by requiring removal of the exterior entrance/door to the illegally created 4th unit with its entrance on the northside of the building through the gate on Via California.

The retaining wall should also not be allowed (the southside of the property was previously grass, shrubs and trees instead of the raised concrete patio done without permits). See the attached permit for the ATF wall dated 2008 that also describes the landscaping around the building as grass on page 3. Further, the nonconforming boundary wall is well over the statutory maximum of 6 feet. This is the boundary wall for the adjacent properties on Via California and Camino Capistrano that does not appear to be discussed in the Agenda Report. Please refer to the permit titled ATF wall that states on pages 1 and 3 that the “maximum height” is 6 feet or 72 inches. The subject property owner only applied for this permit after being caught conducting construction without permits (See Code Enforcement case CE08-0026). Despite being caught conducting construction without permits, the subject property owner took advantage of Dana Point’s generosity and forgiveness and added on well beyond the maximum height allowed in the permit after final approval of the permit. See the attached photograph of the wall today, which is double the size of the adult male (who is about 5’5”) standing near the front of the wall.

In sum, the property should be required to conform as a duplex (it is not “grandfathered in” - the construction took place after Incorporation) and all parts of the Code should be applied to this property including minimum landscaping requirements, etc. Listing all the variances and deviances from the Code would lead to writing a treatise. Neighbors respectfully request that Staff and Code Enforcement investigate any and all variances from the Code, Title Report, and status of the property at the time of Incorporation instead of assuming that they are grandfathered in. Please enforce the Code strictly as it relates to this subject property given its long history of flagrant and repeated abuses. No one is above the law. Thank you.

**Enclosures:**

**PDF File of APN 691-382-06**

**ATF block wall permit**

**Violation history of block wall**

**Bedroom leading into garage safety hazard (See R302.5.1 Openings from a private garage directly into a room used for sleeping purposes shall not be permitted)**

**Blocked sidewalk dated October 2024**

SITE_ADDR	CASE_NO	CASETYPE
34570 CAMINO CAPISTRANO	CE08-0026	15 PERMITS
34570 CAMINO CAPISTRANO	CE09-0070	13 OTHER
34570 CAMINO CAPISTRANO	CE10-0879	29 VEGETATION
34570 CAMINO CAPISTRANO	CE12-0647	31 OVERWATERING
34570 CAMINO CAPISTRANO	CE15-0618	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE15-1064	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE17-1108	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE17-1517	15 PERMITS
34570 CAMINO CAPISTRANO	CE17-1575	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE18-0103	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE18-0401	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE18-0744	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE18-1150	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE19-0081	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE19-0124	20 TRASH
34570 CAMINO CAPISTRANO	CE19-0606	21 CANS IN VIEW
34570 CAMINO CAPISTRANO	CE20-1249	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE22-0291	34 STR NUISANCE VIOLATION
34570 CAMINO CAPISTRANO	CE22-0363	34 STR NUISANCE VIOLATION
34570 CAMINO CAPISTRANO	CE22-0426	34 STR NUISANCE VIOLATION
34570 CAMINO CAPISTRANO	CE22-0471	15 PERMITS
34570 CAMINO CAPISTRANO	CE22-0592	15 PERMITS
34570 CAMINO CAPISTRANO	CE22-0599	33 STR NO PERMITS







# City of Dana Point

Department of Community Development  
Building and Safety Division  
33282 Golden Lantern, Suite 212  
Dana Point, CA 92629

## APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

Inspection request line: 949-248-3590

<b>Building Address</b> <b>34570 CAMINO CAPISTRANO</b> APN: 691-382-06 Lot: 1 Tract: 735 Block: 10		<b>Permit Number</b> <b>BLD08-0076</b>	<b>Parent Permit Number</b>
<b>Applicant</b> Kadakia, Pankaj & Sonal <b>Street:</b> 5753 Ironwood St <b>City:</b> Rancho Palos Verdes, CA <b>Phone:</b> (310) 936-5311		The following work is authorized by this permit <b>Type of Project</b> RESIDENTIAL / OTHER STRUCTURES	
<b>Owner's name</b> Kadakia, Pankaj & Sonal <b>Street:</b> 5753 Ironwood St <b>City:</b> Rancho Palos Verdes, CA <b>Phone:</b> (310) 936-5311		<b>Project Description</b> <b>Sq. Ft.</b> A.T.F. BLOCK WALL EXTENSION Dwelling: Garage: Decks:	
<b>Engr / Arch</b> <b>Street:</b> <b>Lic No.</b> <b>City:</b> <b>Phone:</b>		<b>Remarks / Special Conditions / Project Description</b> PERMIT FOR A.T.F BLOCK WALL EXTENSION TO AN EXISTING BLOCK WALL OF 36 L.F.T ADDING 2 ADDITIONAL COURSES. MAX HEIGHT AT 6FT. THIS WILL BE BUILT PER CITY STANDARDS.  <b>FINALED</b> <b>DATE: 1/16/08 INSR: CL</b>	
<b>Contractor</b> Kadakia, OWNER <b>Street:</b> 5753 Ironwood St <b>Lic No.</b> CRW:691382 <b>City:</b> Rancho Palos Verdes, CA <b>Phone:</b> (310) 936-5311		<b>Construction Lending Agency</b> <input type="checkbox"/> I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of this work for which this permit is issued (Sec. 1097, Civ.C.) <b>Lender's Name:</b> <b>License Class:</b>	
<b>Licensed Contractor's Declaration</b> <b>Contractor:</b> Kadakia, OWNER <b>Address:</b> 5753 Ironwood St <b>City and Zip:</b> Rancho Palos Verdes, CA <b>Phone:</b> (310) 936-5311 <input type="checkbox"/> I hereby affirm under penalty of perjury that I am licensed under the provisions of Chapter 9 (commencing with Section 7000 of Division 3 of the Business and Professions Code) and my license is in full force and effect <b>Initial:</b> <b>Date:</b>		<b>Owner-Builder Declaration</b> I hereby affirm under penalty of perjury that I am exempt from the Contractor's License Law for the following reason (See 7001.5, Business and Professions Code. Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the contractor's License Law (Chapter 9, commencing with Section 7000, of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom, and the basis for the alleged exemption. Any violation of section 7001.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500). <input checked="" type="checkbox"/> I, as owner of the property, or my employee with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (See 7001.5, Business and Professions Code. The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his or her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of the completion, the owner-builder will have the burden of proving that he or she did not build or improve in response to sale.) <input type="checkbox"/> I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (See 7001.5, Business and Professions Code. The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and contracts for such projects with contractors.) I am not permitted to be the contractor's License Law. <input type="checkbox"/> I am exempt under Sec. 7001.5, BPPC for this <b>Initial:</b> <b>Date:</b> 1/16/08	
<b>Worker's Compensation Declaration</b> I hereby affirm under penalty of perjury one of the following declarations: <input type="checkbox"/> a. I have and will maintain a certificate of payment to contractors for workers' compensation as provided by section 3700 of the Labor Code, for the performance of the work for which this permit is issued. <input type="checkbox"/> b. I have and will maintain workers' compensation, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are: <b>Ins. Co.:</b> <b>Policy No.:</b> <b>Exp Date:</b> (This section need not be completed if the permit is for less than \$100,000) <input type="checkbox"/> c. I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California, and agree that, if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with these provisions. <b>Signature:</b> <b>Date:</b>		<b>ALL WORK SHALL CONFORM TO THE 2001 CALIFORNIA BUILDING CODES</b> <b>Group/Division/Type -</b> <b>Census #</b> <b>Valuation: \$ 500.00</b>	
<b>Fee Description</b> <b>Account</b> <b>Amount</b> BUILDING INSPECTION FEES 6209 \$18.00 BUILDING PERMIT ISSUANCE 6633 \$15.00 MICROFILM PROCESSING FEE 6699 \$3.00		<b>Total Amount Paid: \$36.00</b>	
I certify that I have read this application and state that the above information is correct, and that I am the owner or the duly authorized agent of the owner. I agree to comply with all city, county and state laws relating to building construction. I hereby authorize representatives of the City of Dana Point to enter upon the above mentioned property for inspection purposes. <b>Signature of Applicant or Agent</b> <b>Pankaj (Jim) KADAKIA</b> <b>Print Applicant's / Agent's Name</b> <b>Date:</b> 1/16/08		<b>Public Works</b> PERMIT ISSUED <b>Planning</b> PERMIT ISSUED <b>Building</b> PERMIT ISSUED <b>Issuance Approved</b> MH <b>Date Issued</b> 01/16/2008 <b>Permit Number</b> BLD08-0076	
<b>Receipt # 47051</b>			

## INSPECTION RECORD 34570 CAMINO CAPISTRANO

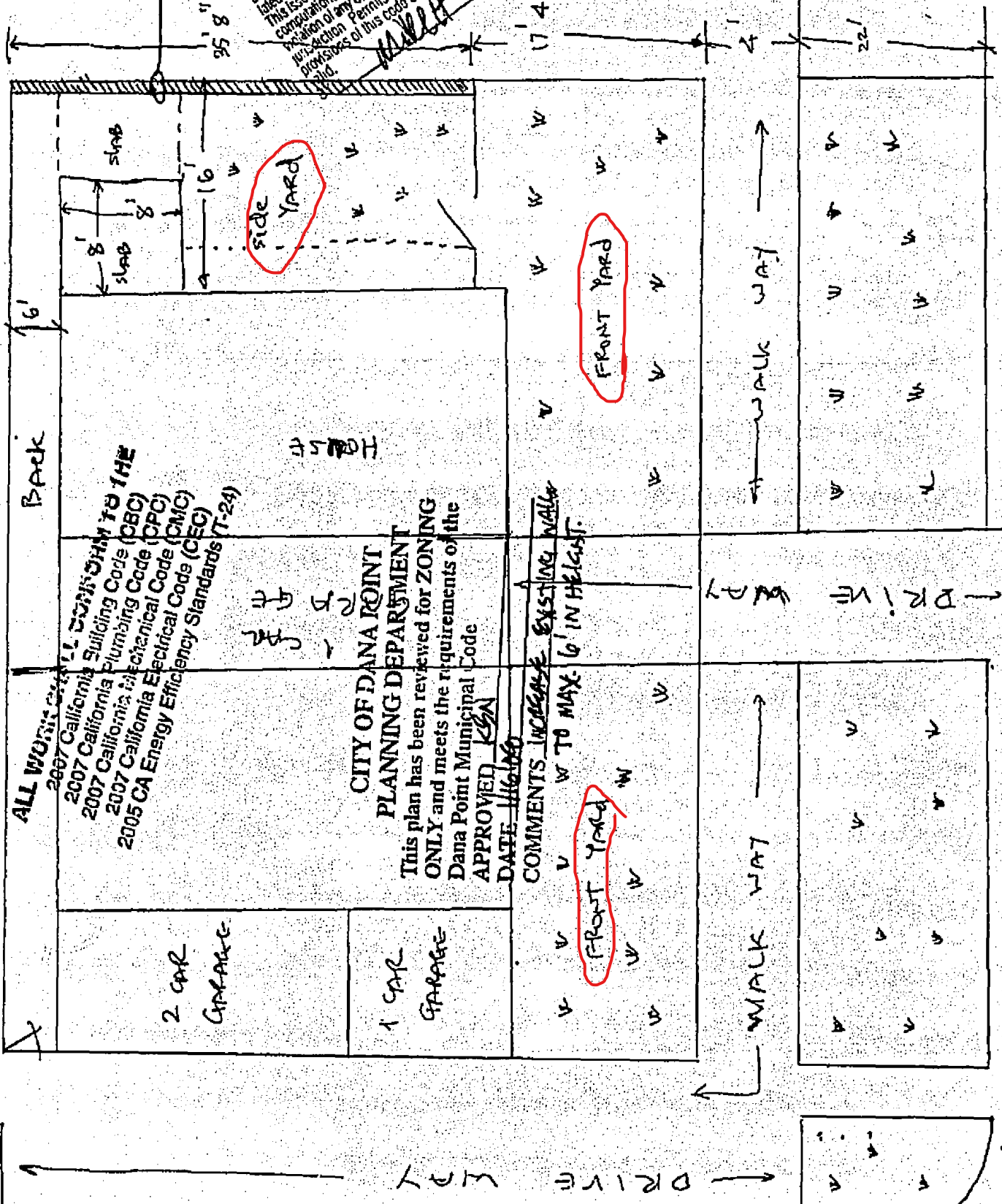
BLD08-0076

IVR	APPROVALS	DATE	INSP	IVR	APPROVALS	DATE	INSP
100	Pre Construction meeting			200	Dishwasher Final		
101	Special Investigation			201	Furnace Changeout Final		
102	Sewer Cap			202	Water Heater Final		
103	Sewer Connection			203	Window Changeout Final		
104	Soils underground			204	<input checked="" type="checkbox"/> Block Wall <input type="checkbox"/> Retaining Wall	2-25-08	CL
105	Water Piping underground			205	Sign Final		
106	Water Service underground			206	Roof Final		
107	Gas Piping underground			207	Electric Final <input type="checkbox"/> Meter Release		
108	Electric Conduit underground			208	Mechanical Final		
109	Permanent Shoring			209	Plumbing Final		
110	Temporary Shoring			210	Accessibility Final		
111	Shoring Wall Steel			211	<input type="checkbox"/> Photovoltaic <input type="checkbox"/> Solar Final		
112	Calsons			212	Water Service Final & Release		
113	Foundation / Footings			213	Gas Service Final <input type="checkbox"/> Release		
114	Slab on Grade			214	Smoke Detectors		
115	Pre-Grout 1st. Lift <i>Evening</i>	2-11-08	CL	215	Smoke Dampers		
116	Pre-Grout 2nd. lift			216	Demolition		
	<input type="checkbox"/> Line and Grade Certification			<b>BUILDING FINAL APPROVALS</b>			
120	Electric - Rough In			400	PLANNING FINAL		
121	Temp Power Pole			500	ENGINEERING FINAL		
122	Meter Panel - Rough In			250	BUILDING FINAL & C of O	2-25-08	CL
123	R.O. Plumbing						
124	<input type="checkbox"/> Gas Piping Rough In <input type="checkbox"/> Test			<b>FIRE AND HEALTH FINAL APPROVALS</b>			
125	<input type="checkbox"/> Domestic Water Piping <input type="checkbox"/> Test				Health Department Final		
126	Waste Pipe Top Out				Fire Sprinkler Rough In		
127	Roof Drains				Fire Sprinkler Final (OCFA)		
128	Shower Pan						
129	R.O. Mechanical			<b>NOTES:</b>			
130	A/C Condensate Lines			2-1-08 - NFI Ready CL			
131	<input type="checkbox"/> Fire <input type="checkbox"/> Smoke Damper						
132	<input type="checkbox"/> Ducts <input type="checkbox"/> Ventilation						
133	Factory Fireplace						
134	Elevator Shaft						
140	Skylight Framing						
141	Roof Framing						
142	Roof Sheathing						
	<input type="checkbox"/> Height Certificate						
144	Floor Framing						
145	Floor Sheathing						
146	<input type="checkbox"/> Shear walls <input type="checkbox"/> Hold Downs						
147	O K To Cover						
150	<b>Framing and Flashing</b>						
151	T.I. Metal studs walls only						
152	T-Bar Ceiling						
153	Insulation						
154	Drywall Nailing						
155	Interior Lath						
156	Exterior Lath						
157	TSPB Temp Electric						
				INITIALS	INSPECTORS NAME (PRINT)		

150-1111 - > 45 TO LAMINO W/ 15' X 16' - 10 ADD TWO, 8' X 8' X 16' BLOCKS ON TOP OF EXISTING 52" HIGH BLOCK WALL ON SOUTH SIDE AS SHOWN

FINAL HEIGHT = 72" MAX

CITY OF DANA POINT  
 APPROVED FOR PERMIT ISSUANCE  
 This set of plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by this code shall be done in accordance with these approved plans. This issuance or granting of a permit or approval of plans, specifications or computations shall not be construed to be a permit for, or an endorsement or indication of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits, presuming to give authority to violate or cancel the provisions of this code or other ordinances of this jurisdiction shall not be valid.  
 DATE 1-16-08



VIA California



# Multiple house numbers

Prior house number 34570



Current house number 34572



The property has utilized a variety of different house numbers including 26122 Via California, 35470 Camino Capistrano, and now 34572 Camino Capistrano. The property owner has also utilized different house numbers for other layers of government. Adding to the confusion is that this property owner was authorized to take over the house number of a law-abiding citizen, 34570 Camino Capistrano, with no reported violations or nuisances. City staff also seems confused as queries about the subject property has led to a mixture of responses with some aware of the litany of abuses and violations and others believing there have been no prior issues.

# Multiple house numbers cont.

Prior house number 34570



Current house number 34572

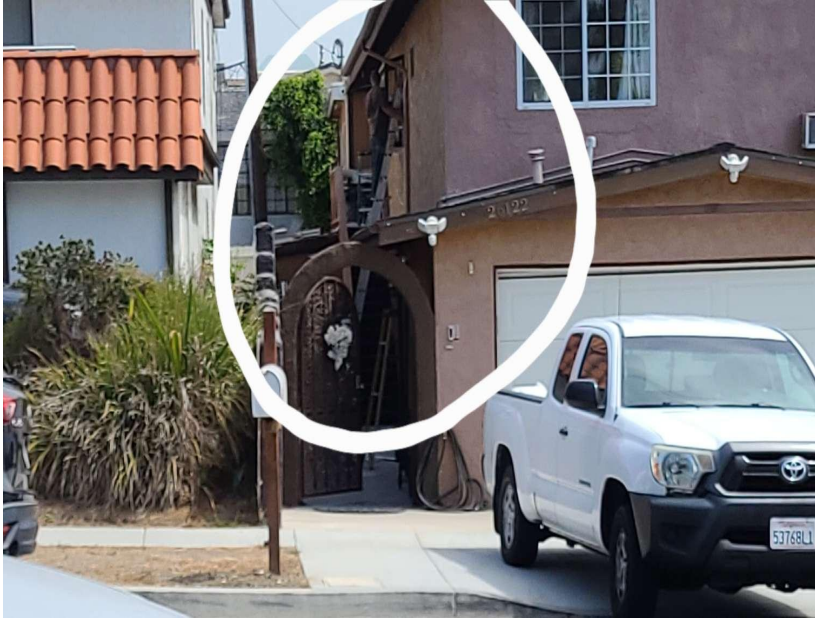


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# Multiple house numbers cont.

Prior house number 26122



Current house number 34572



The property has utilized a variety of different house numbers including 26122 Via California, 35470 Camino Capistrano, and now 34572 Camino Capistrano. The property owner has also utilized different house numbers for other layers of government. Adding to the confusion is that this property owner was authorized to take over the house number of a law-abiding citizen, 34570 Camino Capistrano, with no reported violations or nuisances. City staff also seems confused as queries about the subject property has led to a mixture of responses with some aware of the litany of abuses and violations and others believing there have been no prior issues.

# Continued after hours construction



After Code Enforcement's investigation, the property owner has shifted tactics and continues to conduct small, yet incremental construction using the cover of darkness. The property owner does not respect the City's authority and was caught having workers plaster over work the night before a Code Enforcement inspection and in violation of a Stop Work Order. Recently in Sept 2024, a worker on the property was seen drilling into the side of the property, after hours, for an unknown project leading to sparking that caught the attention of several neighbors. There are safety issues and suspicions that arise from construction work conducted at night.



# Boundary walls should be reduced in height

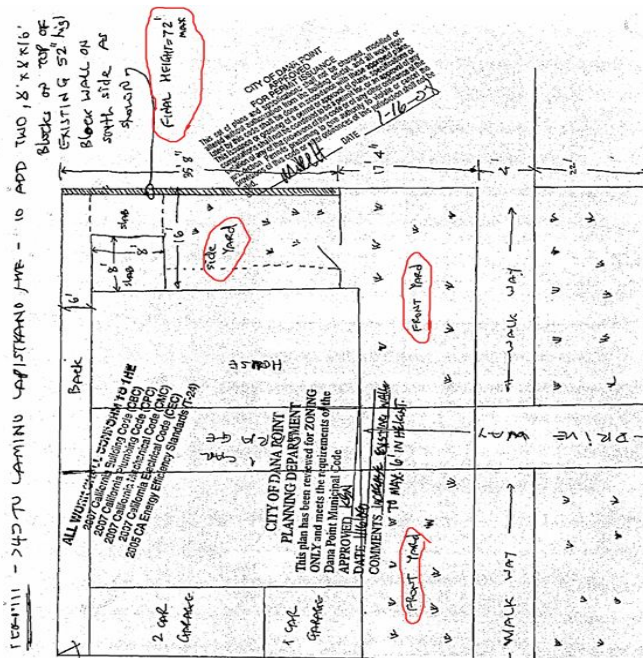


**City of Dana Point**  
Department of Community Development  
Building and Safety Division  
3382 Golden Eastern, Suite 212  
Dana Point, CA 92629

## APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

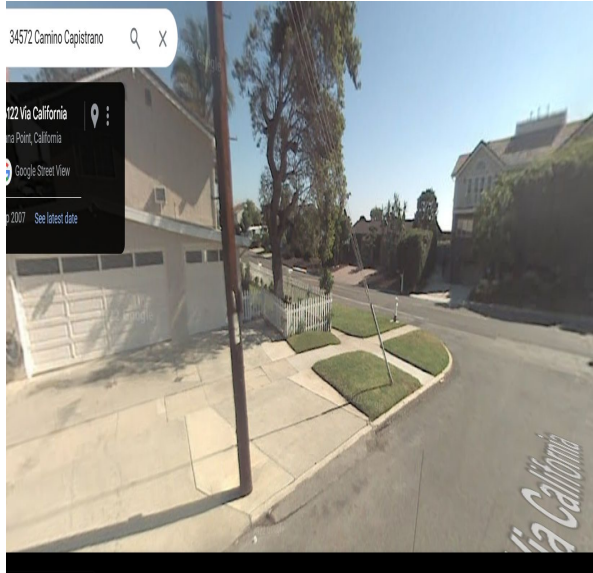
Inspection request line: 949-248-3590

<b>Building Address</b> 34570 CAMINO CAPISTRANO APN: 691-382-36 Lot: Tract 735 Block 19		<b>Permit Number</b> BLD08-0076	<b>Parent Permit Number</b>
<b>Applicant</b> Kadalia, Pankaj & Sonal Street: 5753 Ironwood St City: Rancho Palos Verdes, CA Phone: (310) 936-5311		<b>Type of Project</b> RESIDENTIAL / OTHER STRUCTURES	
<b>Owner's name</b> Kadalia, Pankaj & Sonal Street: 5753 Ironwood St City: Rancho Palos Verdes, CA Phone: (310) 936-5311		<b>Project Description</b> A.T.F. BLOCK WALL EXTENSION Dwelling: Garage: Decks:	
<b>Engine / Archt</b> Street: City:		<b>Remarks / Special Conditions / Project Description</b> PERMIT FOR A.T.F. BLOCK WALL EXTENSION TO AN EXISTING BLOCK WALL OF 36 L.F.T. ADDING 2 ADDITIONAL COURSES. MAX HEIGHT AT 6 FT. THIS WILL BE BUILT PER CITY STANDARDS.	
<b>Contractor</b> Kadalia, OWNER Street: 5753 Ironwood St City: Rancho Palos Verdes, CA Phone: (310) 936-5311		<b>FINALED</b> DATE: 10/16/24	
<b>License Class:</b> Contractor: Kadalia, OWNER Address: 5753 Ironwood St Phone: (310) 936-5311		<b>ALL WORK SHALL CONFORM TO THE 2001 CALIFORNIA BUILDING CODES</b>	
<b>Comments / Notes</b> 1. I hereby affirm under penalty of perjury that I am the owner of the property described in the above information and that I am the owner of the property described in the above information and that I am the owner of the property described in the above information.		<b>Valuation: \$ 500.00</b>	



The first and third pages for the 2008 Permit for the “ATF Block Wall Extension” provides for a max height of “6 feet” or “72 inches.” Note the photograph (right side of page) taken in October 2024 reveals that the wall is double the size of the adult male in the picture (who is about 5’5”). Additions including extra courses and toppers appear to be added on the Camino Capistrano and Via California sides of the property to exceed the maximum height. Note, that the subject property owner was forced to receive a permit AFTER being caught conducting construction without permits. Construction w/out permits, then permits only after being caught, and violations or exceeding the scope of these permits is a continued theme.

# Retaining wall should be eliminated



The retaining wall that runs along Camino Capistrano and Via Catalina looks to have been created without permits. At the time of purchase and up to 2014, there was grass and foliage that the subject property owner converted to concrete. This may violate provisions of the Code related the height of retaining walls, requirement for a landscaping strip, and minimum landscaping requirements. The unpermitted retaining wall may also encroach on the city's easement or right-of-way. From a neighborhood safety perspective, unscrupulous people on this property have been known to catcall and make unwanted advances at young women in the community from this unpermitted raised concrete patio.



# Concealed Construction



The various textures and shades of plaster and paint are efforts to conceal unpermitted construction. This noncompliant property owner believes that City staff will not require him to open up walls and has conducted a variety of construction projects and merely plastered and painted over them on the exterior or drywalled over it in the interior. Neighbors have seen drywall mud, joint compound, and other materials appear on the property to conceal construction after projects involving romex wire, pex, and ABS pipe. While neighbors respect the efforts of code enforcement, it is difficult for them to find all violations and prior unpermitted work. Prior tenants on this property reported electrical fires and flooding. Safety issues may still exist and unpermitted construction has led to unorthodox rentals.

# Repeat Violations

SITE_ADDR	CASE_NO	CASETYPE
34570 CAMINO CAPISTRANO	CE08-0026	15 PERMITS
34570 CAMINO CAPISTRANO	CE09-0070	13 OTHER
34570 CAMINO CAPISTRANO	CE10-0879	29 VEGETATION
34570 CAMINO CAPISTRANO	CE12-0647	31 OVERWATERING
34570 CAMINO CAPISTRANO	CE15-0618	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE15-1064	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE17-1108	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE17-1517	15 PERMITS
34570 CAMINO CAPISTRANO	CE17-1575	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE18-0103	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE18-0401	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE18-0744	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE18-1150	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE19-0081	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE19-0124	20 TRASH
34570 CAMINO CAPISTRANO	CE19-0606	21 CANS IN VIEW
34570 CAMINO CAPISTRANO	CE20-1249	26 SHORT TERM RENT
34570 CAMINO CAPISTRANO	CE22-0291	34 STR NUISANCE VIOLATION
34570 CAMINO CAPISTRANO	CE22-0363	34 STR NUISANCE VIOLATION
34570 CAMINO CAPISTRANO	CE22-0426	34 STR NUISANCE VIOLATION
34570 CAMINO CAPISTRANO	CE22-0471	15 PERMITS
34570 CAMINO CAPISTRANO	CE22-0592	15 PERMITS
34570 CAMINO CAPISTRANO	CE22-0599	33 STR NO PERMITS

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.

Note, these are just some of the violations as other violations came after this report or are listed under other addresses. To the right column, is an excerpt from an email written to city staff by a neighbor. There have various periods of incremental and lengthy unpermitted construction leading to what should be a duplex now being rented out as a 4-plex with 7 bathrooms to a variety of characters.



garage







**From:** [Comment](#)  
**To:** [Alyssa Gonzalez](#); [Martha Ochoa](#); [Brenda Wisneski](#)  
**Subject:** FW: DP Planning Commission Oct 28 Agenda Item 4 for 34572 Camino Capistrano  
**Date:** Monday, October 28, 2024 4:03:35 PM

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**Shayna Sharke, CMC** | City Clerk

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**From:** Steve M <bona\_fide38@outlook.com>  
**Sent:** Monday, October 28, 2024 3:43 PM  
**To:** Comment <Comment@DanaPoint.org>  
**Subject:** DP Planning Commission Oct 28 Agenda Item 4 for 34572 Camino Capistrano

**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.

Dear Planning Commissioners,

I will first start by saying that multiple neighbors have expressed fear at attending the hearing dated October 28, 2024 as they have encountered intimidation and threats from people staying on the property now described as 34572 Camino Capistrano. The property has a long history of unpermitted construction and illicit activity including narcotics use and sale, and prostitution. People staying on the property have threatened neighbors and actively discouraged any reporting of after hours construction and the illicit activities that take place on the property. Some neighbors courageously attended a meeting with representatives from the City - Jeff Rosaler and Brenda Wisenski in 2022. Despite the meeting, and Mr. Rosaler's best efforts (which neighbors sincerely appreciated), the subject property owner continued to evade enforcement. The same problems persist.

Some neighbors have grown frustrated at the inability of code enforcement to get the subject property under control while other neighbors understand the difficulty when the subject property owner continues to engage in machinations and deception, which respectfully, newer code enforcement officers may not have experience with. Neighbors have seen a number of code enforcement officers move on to other positions and while we are happy to see them continue on with their careers, issues with this property continue unabated.

Simply stated, new additions should not be added to this property to prevent the hosting of additional bad actors, which contribute to the nuisances arising from this property. It should be returned to a conforming property.

The current property owner bears full responsibility for establishing that their structure, use or lot is lawfully established. However, it appears that Staff accepts the property's nonconforming density of a 3-unit structure in a max duplex zoning - without question. Neighbors respectfully request that Staff research property tax information, utility statements, sewer permit records, water billings records, dated historic and aerial photographs, and even historic telephone books to establish a history of its use or the lot.

Without citation or support the Agenda Report declares that the subject property "[t]he three-unit structure is a legal nonconforming resident use" (Page 2). In contrast, long-term residents recall the property as a single-family structure at the time of incorporation in 1989. Extra units were added after Incorporation and without permits. Indeed, the Agenda Report states that "[t]he site is bordered by single-family dwellings and duplex dwellings to the north, east, and west, with single-family coastal bluff development across Camino Capistrano to the South...[and] is zoned Residential Duplex" (Page 2). It seems peculiar that the subject property would have been allowed to exist as the only non-conforming property - with 3 units in an area that is just across the street from premier bluff top homes that are now selling or listing in the 6 to 10 million dollar range.

In addition to this 3rd unit, the subject property owner has insisted on illegally creating and renting out additional living quarters to rent to transient types including a notorious 4th unit with a clear separate entrance and advertisements on various websites. The Agenda Report does not address this illegally created 4th unit with its separate entrance. Neighbors have reported to code enforcement the throng of separate parties checking in and out of this illegally created unit and have forwarded advertisements of this unit. Unorthodox rentals - including half nightly or shorter rentals - are also seen by neighbors in other "living areas" of the subject property. Further addition of yet another living quarters, will worsen the situation and exacerbate problems associated with the nonconformity.

With the exception of qualified historic properties, intensification or expansion of an existing nonconforming use should not be permitted, and actually discouraged. The legal basis for all land use regulation is the police power of a city to protect the public health, safety, and welfare of its citizens. Zoning laws look to the future to ensure that all nonconformities are eventually brought into conformance or replaced. Any change in the premises which tends to give permanency to or expands the nonconformance would not be consistent with this purpose.



Please deny the additions and bring the subject property into conformity with the Code and Zoning as a residential duplex with ONLY the 3 bathrooms recorded in the Title Report at the time of purchase and without the nonconforming retaining wall (which was constructed without permits), and require the reduced height of the boundary wall in accordance with the Code and the permits pulled in 2008. Further, conforming parking (the minimum number of parking required by the Code) and setbacks on the property should be encouraged. Thank you.

## ITEM 4

**From:** [Comment](#)  
**To:** [Alyssa Gonzalez](#); [Brenda Wisneski](#); [Martha Ochoa](#)  
**Subject:** FW: Oct 28 Planning Commission Agenda Item 4 for 34572 Camino Capistrano  
**Date:** Monday, October 28, 2024 4:03:49 PM  
**Attachments:** [Reroof property 2002.pdf](#)  
[Record of Calls- 34572 - Outlook.pdf](#)  
[Ted Harris Emails.pdf](#)

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**Shayna Sharke, CMC** | City Clerk

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**From:** Teri W. <Twk883@outlook.com>  
**Sent:** Monday, October 28, 2024 3:57 PM  
**To:** Comment <Comment@DanaPoint.org>  
**Subject:** Oct 28 Planning Commission Agenda Item 4 for 34572 Camino Capistrano

**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.

Please forward to Planning Commission.

I hope you find these files helpful. Thank you.

**Attached:**

Reroof of property by prior owner dated 2002 for 1800 sq. ft.

Email exchange with Sgt. Chappell re: Sheriff responses

Prior emails to former code enforcement officer Ted Harris

Photograph of a response to a reported sexual assault on the subject property

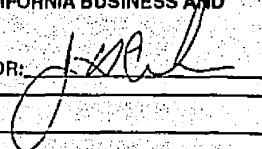


**City of Dana Point**  
Department of Community Development  
Building and Safety Division  
33282 Golden Lantern  
Dana Point, CA 92629  
(949) 248-3590

**APPLICATION FOR BUILDING  
PERMIT  
AND CERTIFICATE OF  
OCCUPANCY**

Inspection request line 949-248-3590

<b>Building Address</b> St No. <u>34570</u> Street <u>CAMINO CAPISTRANO</u> APN Lot Tract Block <b>Applicant</b> <u>Curtis Roofing</u> St No. <u>23891</u> Street <u>Via Fabricante</u> City <u>Laguna Beach</u> Zip <u>92691</u> Phone <u>949-206-9963</u> Engr/ Arch _____ Lic No. _____ <b>Owners name</b> <u>BENNETT</u> <u>949-496-5477</u> <u>34570 CAMINO CAPISTRANO</u> <u>Dana Point 92629</u> <b>Contractor</b> <u>Curtis Roofing</u> Lic No. <u>647204</u> <u>23891 Via Fabricante</u> <u>Laguna Beach 92691</u> <u>949-206-9963</u>		<b>Permit Number</b> <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>29720</b></div> <b>Plan Review No.:</b> <div style="border: 1px solid black; padding: 2px; text-align: center;">29720</div>	
<b>Licensed Contractor's Declaration</b> I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000 of Division 3 of the Business and Professions Code) and my license is in full force and effect. License Class _____ License Number <u>647204</u> Date <u>7/25/2002</u> Contractor <u>CURTIS ROOFING</u> Address <u>23891 VIA FABRICANTE</u> City and Zip <u>Laguna Beach 92691</u> Phone <u>949-206-9963</u>		The following work is authorized by this permit <input checked="" type="checkbox"/> Struct. <input type="checkbox"/> Plumb. <input type="checkbox"/> Mech. <input type="checkbox"/> Elect. Type of Project <input type="checkbox"/> New <input checked="" type="checkbox"/> Alter <input type="checkbox"/> Addition <input type="checkbox"/> Repair <input type="checkbox"/> Tenant Improvement <input type="checkbox"/> Demo <input type="checkbox"/> Occupancy Permit <b>Project Description</b> <u>RE-ROOF</u> <u>1800</u> <u>Sq.Ft.</u> <u>Sq.Ft.</u>	
<b>Construction Lending Agency</b> I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 1097, Civ. C) Lender's Name _____ Lender's Address _____ <b>Owner-Builder Declaration</b> I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7011.5, Business and Professions Code. Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the contractor's License Law (Chapter 9, commencing with Section 7000, of Division 3 of the Business and Professions Code) or that he is exempt therefrom, and the basis for the alleged exemption. Any violation of section 7011.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five <input type="checkbox"/> I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7041, Business and Professions Code. The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve the purpose of sale.) <input type="checkbox"/> I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code. The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and contracts for such projects with contractor(s) licensed pursuant to the contractor's License Law.) <input checked="" type="checkbox"/> I am exempt under Sec. 7011.5 of the B.P.C. for this reason Date <u>7/25/2002</u> Initial <u>[Signature]</u> <b>Workers' Compensation Declaration:</b> I hereby affirm under penalty of perjury one of the following declarations: <input type="checkbox"/> a. I have and will maintain a certificate of consent to self-insure for workers' compensation as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. <input checked="" type="checkbox"/> b. I have and will maintain workers' compensation, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are: Ins. Co.: <u>STATE FUND</u> Policy No.: <u>285-000-2173</u> Exp Date: <u>1/1/2003</u> <input type="checkbox"/> (This section need not be completed if the permit is for one hundred dollars (\$100) or less). <input type="checkbox"/> c. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Law of California and agree that I shall become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions. Date <u>7/26/2002</u> Signature <u>[Signature]</u> Warning: Failure to secure workers' compensation coverage is unlawful, and shall subject an employer to criminal penalties and civil fines up to one hundred thousand dollars (\$100,000), in addition to the cost of compensation, damages as provided for in Section 3706 of the Labor Code, interest, and attorney's fees. I certify that I have read this application and state that the above information is correct, and that I am the owner or the duly authorized agent of the owner. I agree to comply with all city and state laws relating to building construction. I hereby authorize representatives of the City of Dana Point to enter upon the above mentioned property for inspection purposes. Signature of Applicant or Agent <u>[Signature]</u> Print Applicant's/Agent's Name <u>Vinny Curtis</u> Date <u>7/26/2002</u>		<b>Business Lic No</b> <b>Remarks/Special Conditions/Project Description</b> TEAR OUT EXISTING WOOD SHAKE. REPLACE WITH 1/2" OSB, TWO LAYERS 30# ASTM, AND MONIER DURALITE TILE. ICBO #ER-2656 5.7 PSF MANDATORY SHEATHING INSPECTION. <div style="text-align: center; font-size: 2em; margin-top: 20px;"> </div>	
<b>All work shall conform to the 1997 U.B.C., 1997 U.M.C., 1997 U.P.C. and the 1996 N.E.C.</b> Group/Division/Type _____ High Fire Hazard <input type="checkbox"/> Yes <input type="checkbox"/> No Valuation <u>\$7,400.00</u> Fire Sprinklers <input type="checkbox"/> Yes <input type="checkbox"/> No Structural <u>\$144.00</u> Elect _____ Mech _____ Plumb _____ Plan check _____ Issuance _____ Microfiche <u>\$1.00</u> Soils/Geology _____ Total City Fee Due <u>\$144.00</u> Seismic Fee <u>\$0.80</u> Total Amount Paid <u>\$145.80</u>		<b>Insuance Approved</b> <u>Denise Hayes</u> Date Issued <u>Thu, Jul 25, 2002</u> Permit Number <u>29720</u> <b>Receipt #</b> <u>32017</u>	

CONSTRUCTION AND PLANNING APPROVALS Permit # _____		Date	Insp.	POOL AND SPA APPROVALS Permit # _____		Date	Insp.
1. Temporary Electrical Service or Pole				1. Pool & Equipment Location			
2. Soil Pipe--Underground				2. Steel Reinforcement			
3. Water Pipe--Underground / Under slab				3. Electrical Bonding			
4. Water Service				4. Rough Plumbing & Pressure Test			
5. Property Sewer / House Connection				5. APPROVAL TO COVER--GUNITE			
6. Electrical Conduit--Underground				6. Electrical Conduit--Underground			
7. Gas Line Underground & Test				7. Gas Pipe, <input type="checkbox"/> Underground, Test			
8. Footings & Steel Uter <input type="checkbox"/>				8. Backwash Lines, P-Trap, <input type="checkbox"/> Und.			
9. Foundation--Slab on Grade				9. Backwash & Receptor--Final			
10. Retaining Wall Footing				10. Fencing and Access Approval			
11. Pre--Grout <input type="checkbox"/> Drainage <input type="checkbox"/>				11. APPROVED FOR PLASTERING			
12. Gas Pipe--Underground & Test				12. Heater & Vent--Final			
13. Rough Plumbg./Top Out/Shower Pan				13. Plumbing System--Final			
14. Roof Drains & Overflows				14. Electrical--Final			
15. Rough Electrical--Conduit				15. Solar System--Final			
16. Rough Electrical Wiring				16. POOL / SPA SYSTEM FINAL			
17. Rough Heating & Air Conditioning				FIRE DEPT. REQUIREMENT			
18. Rough Factory Fireplace				APPROVALS Permit # _____	Date	Insp.	
19. Ducts, Ventilating				1. UNDERGROUND HYDRO			
20. Fire Dampers				2. PRODUCT PIPING <input type="checkbox"/> GAS <input type="checkbox"/> OIL			
21. Floor Sheathing				3. UNDERGROUND FLUSH			
22. Roof Sheathing	7/25/02	vsu		4. UND. STRG. TANK <input type="checkbox"/> GAS <input type="checkbox"/> OIL			
23. Roof Framing				5. OVERHEAD HYDRO			
24. Approved to Cover Exterior				6. DRY CHEMICAL			
25. Rough Frame and Flashing				7. DRY STANDPIPE			
26. "T" Bar Ceiling/Elect./Mechanical				8. FIXED SYSTEM FINAL			
27. Insulation				9. FIRE PREVENTION FINAL			
28. Lathing <input type="checkbox"/> Interior <input type="checkbox"/> Exterior				NOTES:			
29. Drywall Nailing				I, AS THE CONTRACTOR, HEREBY AFFIRM UNDER PENALTY OF PERJURY THAT I AM A CERTIFIED HOME IMPROVEMENT CONTRACTOR UNDER THE PROVISIONS OF SECTIONS 7150 AND 7151 OF THE STATE OF CALIFORNIA BUSINESS AND PROFESSIONS CODE.			
30. Electric Power Meter Final				DATE: 7/26/02 CONTRACTOR: 			
31. Final Electric							
32. Final Sign							
33. Hood or Canopy Final							
34. Final Factory Fireplace							
35. Final Mechanical							
36. Final Plumbing							
37. Water Service Final/Release							
38. Gas Final Including Connectors							
39. Solar Domestic--Final							
40. Re-roof Final	8/1/02	vsu					
41. Retaining Wall Final							
42. Handicap Regulations							
43. Landscape Final							
44. Joining--Final							
45. Engineering--Final							
46. Health--Final							
47. Final Structure & Building							
48. Gas Release							
49. Electric Release							
***Inspector's Initials & Name							





**City of Dana Point**  
Department of Community Development  
Building and Safety Division  
33282 Golden Lantern  
Dana Point, CA 92629  
(949) 248-3590

**APPLICATION FOR BUILDING  
PERMIT  
AND CERTIFICATE OF  
OCCUPANCY**

Inspection request line 949-248-3590

<b>Building Address</b> St No. <u>34570</u> Street <u>CAMINO CAPISTRANO</u> APN _____ Lot _____ Tract _____ Block _____		Permit Number <div style="text-align: center; font-weight: bold; font-size: 1.2em;">29720</div>	
<b>Applicant Curtis Roofing</b> St No. <u>23891</u> Street <u>Via Fabricante</u> City <u>Laguna Beach</u> Zip <u>92691</u> Phone <u>949-206-9961</u> Engr/ Arch _____ Lic No. _____		Plan Review No.: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">29720</div>	
<b>Owners name BENNETT</b> 949-496-5477 <u>34570 CAMINO CAPISTRANO</u> <u>Dana Point 92629</u>		The following work is authorized by this permit <input checked="" type="checkbox"/> Struct. <input type="checkbox"/> Plumb. <input type="checkbox"/> Mech. <input type="checkbox"/> Elect. Type of Project <input type="checkbox"/> New <input checked="" type="checkbox"/> Alter. <input type="checkbox"/> Addition <input type="checkbox"/> Repair <input type="checkbox"/> Tenant Improvement <input type="checkbox"/> Demo <input type="checkbox"/> Occupancy Permit	
<b>Contractor</b> <u>Curtis Roofing</u> Lic No. _____ <u>23891 Via Fabricante</u> <u>647204</u> <u>Laguna Beach</u> <u>92691</u> <u>949-206-9961</u>		Project Description Sq.Ft. Sq.Ft. RE-ROOF 1800	
Licensed Contractor's Declaration I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000 of Division 3 of the Business and Professions Code) and my license is in full force and effect. License Class _____ License Number <u>647204</u> Date <u>7/25/2002</u> Contractor <u>CURTIS ROOFING</u> Address <u>23891 VIA FABRICANTE</u> City and Zip <u>Laguna Beach 92691</u> Phone <u>949-206-9961</u>		<b>Business Lic No</b> <b>Remarks/Special Conditions/Project Description</b> TEAR OUT EXISTING WOOD SHAKE. REPLACE WITH 1/2" OSB, TWO LAYERS 30# ASTM, AND MONIER DURALITE TILE. ICBO #ER-2656 5.7 PSF MANDATORY SHEATHING INSPECTION.	
Construction Lending Agency I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 1097, Civ. C) Lender's Name _____ Lender's Address _____		<div style="font-size: 2em; text-align: center;">P</div> <div style="font-size: 1.5em; text-align: center;">8/2/02</div> <div style="font-size: 1.5em; text-align: center;">VOW</div>	
<b>Owner-Builder Declaration</b> I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code. Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the contractor's License Law/Chapter 9, commencing with Section 7000, of Division 3 of the Business and Professions Code) or that he is exempt therefrom, and the basis for the alleged exemption. Any violation of section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five <input type="checkbox"/> I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve the purpose of sale.) <input type="checkbox"/> I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and contracts for such projects with contractor(s) licensed pursuant to the contractor's License Law.) <input checked="" type="checkbox"/> I am exempt under Sec. 7031.5, BAPC for this reason Date <u>7/25/02</u> Initial <u>[Signature]</u>		<b>All work shall conform to the 1997 U.B.C., 1997 U.M.C., 1997 U.P.C. and the 1996 N.E.C.</b> Group/Division/Type High Fire Hazard <input type="checkbox"/> Yes <input type="checkbox"/> No Valuation Fire Sprinklers <u>\$7,400.00</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Structural \$144.00 Elect _____ Mech _____ Plumb _____ Plan check _____ Issuance _____ Microfiche \$1.00 Soils/Geology _____ Total City Fee Due \$144.00 Seismic Fee \$0.80 Total Amount Paid \$145.80	
I hereby affirm under penalty of perjury one of the following declarations: <input type="checkbox"/> a. I have and will maintain a certificate of consent to self-insure for workers' compensation as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. <input checked="" type="checkbox"/> b. I have and will maintain worker's compensation, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation policy No. <u>285-000-2173</u> Exp Date: <u>1/1/2003</u> (This section need not be completed if the permit is for one hundred dollars (\$100) or less.) <input type="checkbox"/> c. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Law of California and agree that I shall become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions Signature <u>[Signature]</u> Warning: Failure to secure workers' compensation coverage is unlawful, and shall subject an employer to criminal penalties and civil fines up to one hundred thousand dollars (\$100,000), in addition to the cost of compensation, damages as provided for in Section 3706 of the Labor Code, Interest, and attorney's fees.		Issuance Approved <b>Denise Hayes</b> Date Issued <b>Thu, Jul 25, 2002</b> Permit Number <b>29720</b>	
I certify that I have read this application and state that the above information is correct, and that I am the owner or the duly authorized agent of the owner. I agree to comply with all city and state laws relating to building construction. I hereby authorize representatives of the City of Dana Point to enter upon the above mentioned property for inspection purposes. Signature of Applicant or Agent <u>[Signature]</u> Applicant's/Agent's Name <u>Jim Curtis</u> Date <u>7/26/2002</u>		Receipt # <b>32017</b>	





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**Re: [EXTERNAL] Record of Calls- 34572 Camino Capistrano**

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**From** Chapple, Dwayne <DCHAPPLE@ocsheriff.gov>

**Date** Thu 10/24/2024 3:49 AM

I am terribly sorry again. It is 1/12/2021. That was a typo. I was extremely busy and didn't check my email before I sent it.

Sgt. Dwayne Chapple

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**Sent:** Wednesday, October 23, 2024 10:56 PM

**To:** Chapple, Dwayne <DCHAPPLE@ocsheriff.gov>

**Subject:** Re: [EXTERNAL] Record of Calls- 34572 Camino Capistrano

Thank you.

I think we meant 1/12/2021 based off information from your first email of the date listed under "Calls at 34570 Camino Capistrano since January 1, 2020". Can you confirm if the year should be 2021?

Yes I agree, it may be a good idea to have the assault incident of 6/10/22 listed under the actual address where it occurred, which is the corner lot property now being described as 34572 Camino Capistrano. It can be confusing as this property has used multiple house numbers. Perhaps it could also be a good idea for the Sheriffs' files to note that all the different house numbers e.g. 26122 Via California, 34570 Camino Capistrano, are the same property.

Neighbors have noticed a pattern of suspicious and alarming activity at 34572 Camino Capistrano similar to what occurred at 34519 Via Catalina. Neighbors really appreciated your help on discussing how we may help law enforcement report illicit activity and prevent bad actors from taking a hold of our neighborhoods. Thank you for your service.

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**From:** Chapple, Dwayne <DCHAPPLE@ocsheriff.gov>

**Sent:** Wednesday, October 23, 2024 3:32 PM

**Subject:** RE: [EXTERNAL] Record of Calls- 34572 Camino Capistrano

Sorry. 4/24/2024.

The other date is 1/12/2001.

Upon further review, the assault incident was on 6/10/2022, however, it was listed under 34533 Via Catalina. It turns out that this was the address of the informant who called the sheriff's department. So we can add this incident to the 34572 list of calls for service.

**Dwayne Chapple | Sergeant**



**Dana Point Police Services**  
**Community Service Unit (CSU)**

33282 Street of the Golden Lantern | Dana Point | California | 92629

Office: (949) 248-3522 | Cell: (714) 912-3498

Email: [dchapple@ocsheriff.gov](mailto:dchapple@ocsheriff.gov)



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**Sent:** Wednesday, October 23, 2024 3:17 PM

**To:** Chapple, Dwayne <[DCHAPPLE@ocsheriff.gov](mailto:DCHAPPLE@ocsheriff.gov)>

**Subject:** Re: [EXTERNAL] Record of Calls- 34572 Camino Capistrano

Thank you for your help.

Can you confirm the year for this event:  
Verbal argument between roommates on 4/24/202

Also, can you confirm the date (is this from 2001?):  
Female subject arrested for drunk in public on 1/12/2001

Neighbors remembered there was a sexual assault incident...was that reported?

Thank you.

---

**From:** Chapple, Dwayne <[DCHAPPLE@ocsheriff.gov](mailto:DCHAPPLE@ocsheriff.gov)>

**Sent:** Wednesday, October 23, 2024 11:34 AM

**Subject:** RE: [EXTERNAL] Record of Calls- 34572 Camino Capistrano

Good morning,

It's nice to hear from you. I hope you're doing well. I searched call history for the last 4 years.

I ended up pulling calls for service at 34570 and 34572 Camino Capistrano since the two addresses could be related.

Calls at 34572 Camino Capistrano since January 1, 2020:

- 6 calls for service total:  
Subject who lived at the residence reported his vehicle stolen on 9/5/2024.



Verbal argument between roommates on 4/24/202

The other four calls were vehicle related (abandoned/illegally parked)

Calls at 34570 Camino Capistrano since January 1, 2020:

- 8 calls for service total:
  - CSU assisted Code Enforcement with a residence check on 9/27/2022.
  - Female subject arrested for drunk in public on 1/12/2001
  - The other six calls were vehicle related (abandoned/illegally parked/towed)

Have a good day.

## Dwayne Chapple | Sergeant



### Dana Point Police Services

#### Community Service Unit (CSU)

33282 Street of the Golden Lantern | Dana Point | California | 92629

Office: (949) 248-3522 | Cell: (714) 912-3498

Email: [dchapple@ocsheriff.gov](mailto:dchapple@ocsheriff.gov)



Sent: Tuesday, October 22, 2024 8:03 PM

To: Chapple, Dwayne <[DCHAPPLE@ocsheriff.gov](mailto:DCHAPPLE@ocsheriff.gov)>

Subject: [EXTERNAL] Record of Calls- 34572 Camino Capistrano

Hello Sgt. Chapple,

I met you at the neighborhood meeting to discuss the issues occurring at 34519 Via Catalina and a neighborhood watch meeting at Palisades Elementary.

Neighbors were looking to get a record of all calls made in relation to a nuisance or any other call the sheriff's department responded to regarding another property. They have used multiple different addresses over the years despite being the same property: 26122 Via California, 34572 Camino Capistrano, 34570 Camino Capistrano. This property is also hosting a lot of bad characters (similar to Via Catalina), so neighbors wanted to get more information regarding what has been reported.

Thank you,

**ATTENTION: EXTERNAL EMAIL. USE CAUTION WHEN OPENING ATTACHMENTS OR CLICKING ON LINKS. REPORT SUSPICIOUS MESSAGES TO THE IT HELP DESK.**

## STR Violations - 34570 Camino Capistrano/26122 Via California

Mon 8/1/2022

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

4 attachments (3 MB)

26122 Via California STR Illegal Parked Vehicle.png; STR blocking sidewalk.jpg; Str vehicle blocking sidewalk.jpg; Car blocking wheelchair ramp.jpg;

Dear Mr. Harris,

The community has been frustrated with the STR located at 34570 Camino Capistrano (also listed as 26122 Via California; APN number 691-382-06.

This is a homestay STR (the owners live in one of the units) and they continuously have their STR guests or their workers park in a way that blocks the sidewalk or the city's right-of-way. The vehicles associated with the STR are often found parked directly on the sidewalk or blocking the ADA complaint curb ramp.

The STR is located on a corner lot of Camino Capistrano and Via California, which are popular streets for the residents to walk as pedestrians. There are also many elderly individuals and young families in the area. It is infuriating to watch the elderly (some who have walkers or disabilities) and young mothers with baby strollers forced into the street as these STR operators continue to violate Dana Point's Municipal Code, do not provide their STR guests with the required two parking spaces, or have their STR guests and their workers park in a manner that blocks residents access to the sidewalk and ADA compliant curb ramp. Part of the issue is that their garage does not have the proper setback (of 20 feet), which leads to issues as standard-sized vehicles (sedans and SUVs) cannot be parked in front of the garage without parking on the sidewalk or blocking it. This permit should be suspended until they remedy the parking issue or have the garage up to code.

While the community members in the area are patient, we have been troubled by the lack of enforcement or consequences. The owners of the STR believe they can "schmooze" their way out of situations and brag about how "good they are at talking" and that "the city is so mellow it's fine." On July 25, 2022, the Sheriff and the STR hotline were contacted as several cars from the STR were blocking the sidewalk. Astonishingly, the Sheriff **cited no one and there were no violations issued** – even though the Sheriff acknowledged they were blocking the sidewalk (they simply just asked them to move). On this Sunday, July 31, 2022, vehicles from this STR again were blocking the sidewalk. Earlier in the morning, a vehicle from the STR blocked the ADA compliant curb ramp. The STR hotline was contacted after an elderly individual was not able to cross Camino Capistrano and could not continue on her walk as planned. This call to the STR hotline resulted again in **no consequence to the driver of the vehicle or the STR owners**. The very same day - **and after zero consequences for previous violations** - vehicles from the STR now blocked the sidewalk. Please see the attached pictures. There are numerous other days where STR guests are parked on the sidewalk where the hotline or Sheriff are not called - residents should not have to be enforcers of the City Code. The STR owners are making a mockery of the Dana Point Code and reflect poorly on the other STR owners who may be complying with the Code and trying to be good operators. Neighbors have watched as these STR owners continue to violate the City's rules and regulations with impunity, add units without permits, make capital improvements without permits, violate noise regulations, conduct construction on

[REDACTED]

[REDACTED]

Sundays and on evenings – and taking advantage of their easygoing neighbors and what they interpret as a lack of consequences or enforcement.

Please enforce the rules for STRs and the Dana Point’s Municipal Code as it relates to this STR. It is unfair to the other lawful and respectful STR operators, residents who would want to enjoy walks without being forced into the street, neighbors who want to enjoy their Sundays and evenings without unpermitted construction noise, and law-abiding homeowners who apply for and receive appropriate city permits for improvements. Thank you.



[REDACTED]

## STR Property @ 34570 Camino Capistrano- Work Without Permits

[REDACTED]

Fri 8/5/2022 [REDACTED]

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

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.

[REDACTED]

[REDACTED]

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

[REDACTED]

Tue 8/23/2022 [REDACTED]

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

 3 attachments (1 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 for 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

[REDACTED]

[REDACTED] 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.

[REDACTED]

## Issues related to 34570 Camino Capistrano Unpermitted Electrical at STR Property; other Unpermitted Work by Unlicensed Workers

[REDACTED]

Tue 8/30/2022 10:00 AM [REDACTED]

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

 11 attachments (2 MB)

Install of Unpermitted Electrical .jpg; Dumping.jpg; Dumping truck 2.jpg; Dumping truck 1.jpg; Unpermitted Electrical 4.jpg; White pickup truck.jpg; Handyman SUV.jpg; Unpermitted Electrical 2.jpg; Unpermitted Electrical 3.jpg; Unpermitted Electrical 1.jpg; Handyman truck.jpg;

Dear Mr. Harris,

For several weeks, there have been persistent unpermitted Electrical Work at the STR property located at 34570 Camino Capistrano. Interestingly, some of the unpermitted fixtures were taken down (but the new wiring and the other new construction fixtures - that are not as readily visible remained) and now other unpermitted projects (including those utilizing the unpermitted new wiring) have been started by the STR owner. This STR owner has a history of recklessly ignoring the Dana Point Municipal and Building Codes and have blatantly lied to neighbors, city officials and shockingly even law enforcement officers (regarding Sunday construction saying they were just finishing up when they continued repeatedly or blocking the sidewalk with STR vehicles saying it was just temporary, when it was overnight). The STR owner often temporarily ceases projects or violations only to start them again hoping that city officials and neighbors will have forgotten - unfortunately, in the past, they have gotten away with multiple violations without major consequence.

Currently still - visible from the street, this work includes new construction lights, cameras, and other equipment utilizing wiring out of compliance with the NEC. Exposed exterior wiring that does not appear to be rated for outdoor use and overloading of circuits are problematic. The work is attempted by unlicensed handymen who are not electricians. This is concerning to the tenants and homeowners in the area as previous unpermitted electrical work in the area has led to electrical fires.

Please ensure that the electrical work is conducted to code and with a permit. There also seems to be substantially more electrical work than what is visible from the street. Two of the unlicensed handymen (one driving a blue unmarked pickup truck, and another driving an unmarked black pickup, license plate 85786E3) have admitted there are substantially more "major projects" that are taking place. Another unlicensed handyman driving a crossover-type smaller SUV, license plate 7SKZ078.

There are projects taking place on both the Via California and Camino Capistrano side of the property. This STR property is a corner lot. Some of the unpermitted electrical work installed by unlicensed handymen that still remains and is expanding/ongoing include:

1. On the South most part of the property on Camino Capistrano, there is exposed new exterior electrical wiring and new construction fixtures installed by an unlicensed handyman near the eaves;
  2. Balcony above the garage on the Camino Capistrano side has new wiring and fixtures;
  3. Corner of the property, North side of Camino Capistrano and Via California, exposed new electrical wiring that is pulling power from inside the garage;
- [REDACTED]



- [REDACTED]
- [REDACTED]
4. Inside the single car garage on Via California, there is substantial more electrical work including the installation of new outlets;
  5. The entrance of the Via California side, there is new electrical wiring running right underneath the roofline and leading to a new fixture on the exterior second floor;
  6. There is also another electrical project that is ongoing as they continue to pull power from the inside and adding new electrical wiring to the exterior and attempting to conceal it.

Note, this is not an exhaustive list as there has been substantial construction activity that the STR owners are attempting to perform without detection. Much of the work is done at night or on weekends and there seems to be substantial work inside the property in both the Via California and Camino Capistrano side.

Neighbors can see handymen loading and unloading of construction material after hours and there are reports of illegal dumping as the handymen seem to loading construction debris onto their vehicles on Sundays and after hours when the landfill is closed and returning with no cargo or load (a darker pickup truck and a white Toyota Tacoma owned by the STR owner and driven by one of the handymen were used for this purpose).

The neighbors in the area have been patient with the STR owner - despite multiple nuisances and violations related to noise, parking, blocking the public right-of-way, excess trash from the STR and unpermitted construction, and other issues related to the STR and their plans to improve/expand the STR without permits. We are increasingly frustrated of having our easy-going nature taken advantage of and the City's niceness being mistaken for weakness. Please investigate and cite the electrical work without permits to ensure our safety and the safety of their guests. And hopefully, bring these STR operators in compliance. Thank you.

## 26122 Via California Parking Nuisance

Thu 2/17/2022

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

Dear Ted Harris,

This short-term rental, on a corner lot, located at 26122 Via California (and formerly known as 34570 Camino Capistrano) is not abiding by the parking rules set for short-term rentals. Ordinance No. 21-02 Section 2 regarding Dana Point Municipal Code 5.38.080 provides in paragraph 2 that the "short-term rental must have a minimum of two (2) off-street parking spaces."

This STR does not have the requisite 2 off-street parking spaces and they take up the parking that should go to the existing homeowners and community members. The short-term rental visitors frequently have out-of-state plates and they refuse to park in the garage of the property. See attached pictures of the van with New York plates (HBA 4087) parked in front of the garage of 26122 Via California and later on street on Camino Capistrano and Via California. They had a second short-term rental guest staying simultaneously on the property with Florida plates (43A JDS)

It is unclear whether they are permitted to have two (2) short-term rentals. This property appears to be a triplex, there are **2 mailboxes** on the Camino Capistrano side labeled "34570 A" and "34570 B." They have a **third mailbox** on Via California labeled "26122." This area is zoned for duplexes and yet they have 3 plus (+) units as they have been known to rent additional portions of the property to short-term guests (and it is unclear whether they are providing the City with the appropriate transient fee to these extra STR rental guests).

Regardless, these short-term guests do not have access to two (2) off-street parking spaces as the main two car garage (on the Via California side) is used as storage, a one-car garage is never utilized by the short-term rental guests. Instead, they park in front of the garage and block the city right-of-way or public sidewalk as **their garage is not in compliance with the Dana Point Code as they do not have the proper setback** and cars parked in front of these garages thus stick out and **block the neighborhood residents from walking on the sidewalk OR they take up parking from the neighborhood residents.**

This short-term rental has been a nuisance and the owners of it have been quite disrespectful to the neighbors and continuously flaunt rules, codes, and common courtesy. A perusal through the violations lists of 26122 Via California and its former address of 34570 Camino Capistrano reveals a litany of violations related to unpermitted constructions, modifications not in compliance with the City's plan or Code, improper advertising of the STR, and more. Discussions with long-term neighbors also reveals a host of issues including stealing neighbors trash bins, renting to prostitutes, renting to people (including their STR) to people who disrespect the community, their STR guests and tenants yelling or threatening community members when asked politely not to take up the neighborhood parking spaces or block the public sidewalk. The Dana Point Municipal Code exists for a reason and the rules should be enforced. Please inspect and investigate the property with regards to having the required minimum of two (2) off-street parking spaces and ensure that they comply by having their guests park in the garage instead of blocking the sidewalk or taking spaces from the neighborhood. Thank you for your time and service.

## 26122 Via California complaint

Mon 1/24/2022

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

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.

[REDACTED] [REDACTED]  
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.



[REDACTED]

26122 / 34570 Camino Capistrano

[REDACTED]

Mon 1/24/2022 [REDACTED]

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

A neighbor just informed me that 26122 Via California is also known as 34570 Camino Capistrano. The owners of this STR have been creating issues for years and there have been multiple complaints and violations listed under both addresses, but it is the same property.

Please help resolve the following issues, including but not limited to, blocking the public sidewalk, not having the required number of parking spaces for a STR, garage placed without the proper setback (contributing to the STR vehicles blocking the sidewalk), STR vehicles blocking the driveway and neighbor driveways, the STR taking trash cans from other residences and placing them both on Via Cal and Camino Capistrano - even on non-trash days, leaving trash and construction materials on the city's right of way, not providing the STR permit number on VRBO, Fido, and other websites as required by the City of Dana Point, possibly not paying all transient occupancy taxes for the volume (number) of the STR visitors that they have, area zoned for duplexes having more than the authorized number of units and without the proper number of parking spots for the increased number of units.

Thank you.

## Reported Rape & Disturbances at STR Property

Tue 6/14/2022 11:36 PM

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

Dear Mr. Harris,

The STR at 26122 Via California in Capo Beach is continuing to cause disturbances for the neighborhood. Sheriff 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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## 26122 Via California parking/construction nuisance

[REDACTED]  
Fri 3/18/2022 [REDACTED]

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

Hello Ted,

This short-term rental (STR) continues to violate rules pertaining to STRs by NOT having a minimum of two (2) off-street parking spaces.

Instead they continue to create a disturbance to residents who are forced to walk on the street as their STR guests park on and block the city sidewalk. Please see the attached picture of the out-of-state STR guest, NY plate FBE9441. This STR guest has continuously parked on the sidewalk - except for when they run errands in the day.

Also, note that the STR recently conducted construction without a permit. It was in the single car garage on the Via California side. They hired an unlicensed individual to do plumbing and electrical work and replace the water heater. Please see the attached picture. We would normally be hesitant to report these issues, but the owners of the property continue to disrespect the neighborhood and the City of Dana Point by ignoring the rules, ordinances, and common courtesy. They have a history of conducting work without permits. Please address these issues with the owners of the STR. Thank you.

[REDACTED]

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

[REDACTED]

Mon 5/30/2022 [REDACTED]

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

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.



[REDACTED]

## STR Violation - 34570 Camino Capistrano Unpermitted HVAC work

[REDACTED]

Thu 9/8/2022 9:10 AM

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

 3 attachments (940 KB)

Unpermitted hvac.jpg; Unpermitted hvac3.jpg; Unpermitted hvac2.jpg;

The STR property at 34570 Camino Capistrano continues to do unlawful construction. Please see the attached pictures of the unpermitted HVAC work. The work for these HVAC units were not permitted or inspected and they just punched large holes in the walls above these units and left them exposed. Note, that this work and others are being conducted without inspections and they are not ensured to be in compliance with the California Electrical Code, California Mechanical Code, California Plumbing Code, and the California Energy Efficiency Standards. The work is not being done by professionals or licensed tradespeople, but unlicensed workers who are not bonded or insured. It also seems they do not know what they're doing and thus they are placing the property, the guests, and the neighborhood at risk. Building and municipal codes exist for a reason; please ensure the property is in compliance. Also, as you may have heard, there are a myriad of issues arising from the property. This is just one of the multitudes of unpermitted projects that have been conducted or are ongoing inside and outside the property.

These STR owners hope to unjustly enrich themselves by adding units to their property or additional amenities. We are all concerned as this work is being done without permits and we are afraid someone will get hurt or properties will get harmed by the illegal work.