



MAILED
JAN 03 2022
CODE ENFORCEMENT
DIVISION

January 3, 2022

CIVIL PENALTY NOTICE AND ORDER

Location: 4951 Campanile Drive, San Diego, CA

APN No.: 466-350-0100

**Property Owner/
Responsible Person:** MDH Development LLC
Agent for Service: Waleed Anthony Salameh
Address: 591 Camino De La Reina #918
San Diego, CA 92018

Agent for Service: Waleed Anthony Salameh
Address: 8885 Rio San Diego Drive #106
San Diego, CA 92018

Zoning Designation: RS-1-7

You are hereby notified that the property identified above is in violation of the San Diego Municipal Code (SDMC). On **October 29, 2021**, and **December 23, 2021**, the following violations were observed at the property and must be corrected:

- Converting a portion of an existing 2-car garage into habitable space, without prior city approvals and permits.
- Occupying an unpermitted garage conversion without first obtaining prior city approvals and permits.
- Elimination of required off-street parking.

This is a violation of the following code section(s):

<u>Code Section</u>	<u>Violation Description</u>
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- | | |
|--|--|
| • SDMC §129.0202 - When a Building Permit Is Required | |
| • SDMC §129.0402 - When a Plumbing/Mechanical Permit Is Required | |
| • SDMC §129.0302 - When an Electrical Permit is Required | |
| • SDMC §131.0448 - Accessory Buildings in Residential Zones | |
| • SDMC §131.0420 and §131.0422 - Residential Zone Regulations | |

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- SDMC §142.0510 - General Parking Regulations
- SDMC §§121.0202-121.0203 provides the authority regarding enforcement of the Land Development Code.
- SDMC §121.0302 requires compliance with the Land Development Code, specifies these violations are not permitted, and provides authority for the abatement of public nuisances.

If you correct the above violations as identified below, you will not be subject to any administrative civil penalties.

****Immediately cease using the garage as habitable space****

In order to avoid administrative civil penalties, you must correct the violations by **March 31, 2022**, as follows:

- Obtain required Permit(s) and successfully complete all required inspections.
- Obtain required Plumbing/Mechanical Permit(s) and successfully complete all required inspections.
- Obtain required Electrical Permit(s) and successfully complete all required inspections.
- Cease use of garage/accessory structure as habitable space; restore to permitted use/configuration.
- Cease unpermitted use.
- Remove obstruction(s) to required off-street parking; maintain availability for required parking.

All applications for permits must be submitted online. Please go to <https://www.sandiego.gov/development-services> and click on apply for a permit online. Be advised that CED will be reviewing the submitted plans for enforcement compliance.

Reinspection fees are assessed for each inspection after the issuance of a violation notice in accordance with the SDMC §13.0103. An invoice will be sent following each inspection until compliance is achieved. Current reinspection fees range between \$264 and \$295.

Please refer to the San Diego Municipal Code sections cited for additional information via <https://www.sandiego.gov/city-clerk/>.

Additional forms and documents to assist in your compliance efforts are available at: <https://www.sandiego.gov/ced/forms>.

Failure to Comply with Notice and Order

If you fail to comply with this Notice and Order in the time and manner set forth above, you

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are subject to civil administrative penalties pursuant to SDMC §§12.0801-12.0810. The penalty rate for the above listed violation(s) has been established in accordance with SDMC §§12.0801-12.0810 at **\$300.00** per violation per day and shall be an ongoing assessment of penalties at the daily rate until the violations are corrected. Administrative civil penalty amounts are established by the Development Services Director.

The following factors were used in determining the amount:

- the nature and seriousness of the violation
- the history of the violation
- the impact of the violation upon the community

Pursuant to SDMC §12.0805(a), in determining the date on which civil penalties shall begin to accrue, the Development Services Director considers the date when the Code Enforcement Division first discovered the violations as evidenced by the issuance of a Notice of Violation or any other written correspondence. The date on which the civil penalties began to accrue is **October 29, 2021** and shall end on the date that the violation(s) has been corrected to the satisfaction of the Development Services Director or the Enforcement Hearing Officer.

Civil Penalties Hearing

If you fail to comply with the Notice and Order, written notice of the time and place of an administrative enforcement hearing will be served on you at least 10 calendar days prior to the date of the hearing in accordance with SDMC §12.0403. At the hearing, you may present evidence concerning the existence of the violation(s) and whether the amount of administrative civil penalties assessed was reasonable in accordance with SDMC §12.0808. Failure to attend an administrative enforcement hearing will constitute a waiver of your rights to an administrative hearing and administrative adjudication of the violation(s) set forth above.

Administrative Costs

The Development Services Director or Enforcement Hearing Officer is authorized to assess administrative costs. Administrative costs may include, but are not limited to: staff time to investigate and document violations; laboratory, photographic, and other expenses incurred to document or establish the existence of a violation; and scheduling and processing of the administrative hearing and all actions.

Failure to Comply with Administrative Enforcement Order

If you fail, neglect, or refuse to obey an order to correct the violations, administrative civil penalties will continue to accrue on a daily basis until the violation is corrected. The unpaid amount of administrative civil penalties will be referred to the City Treasurer for collection, recorded as a code enforcement lien against the property in accordance with SDMC §§13.0201-13.0204, and may be referred to the City Attorney to file a court action to recover the unpaid amount. Failure to correct the violations may also result in referral to the City Attorney for further enforcement action.

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If you have any questions concerning this Notice and Order, or to schedule a compliance inspection, please contact Shea Fitzgerald-Brennan, Zoning Investigator, at (619) 236-5540 or Pat McIntyre, Combination Inspector, at (619) 533-3958.

Rmc/txa/jef

cc: File

CED# 0516664

This information will be made available in alternative formats upon request.

CED# 0516664_4951 Campanile Dr_ced105_rmc

TO : Mr. Josh Montalto
4951 Campanile Drive
San Diego, CA. 92115

FROM: PSH Development, LLC

RE : DISPOSITION OF DEPOSIT - ADDITIONAL DETAILS

SENT BY U.S. PRIORITY MAIL TO PROPERTY ADDRESS AND HOME ADDRESS

Mr. Josh,

This letter shall provide additional details regarding your Disposition Of Deposit included herein as well as address numerous misrepresentations, distortions, and misinformation, repeatedly posted online by your mother Connie Lafuente within the last weeks in a clear attempt to extort and defame us. Here are the facts for your reference as follows:

- Your mother's posts refer to plumbing issues and roaches when you well know that we fully addressed these issues with you. BAJA ROOTER, a licensed professional plumbing company, came to the house on Monday April 4, 2022, to address the plumbing back-up you had reported to us over the prior weekend. They had to snake the plumbing line all the way to the street and found that the house plumbing pipes were clogged with wet wipes accumulating in the plumbing system over time, originating from the second-floor bathroom toilet used by you - Josh- and Angel. We had noticed that your toilet was the only non-functioning upstairs toilet and was clogged up with the same wet wipes we had observed in your bathroom on April 2 and 3, 2022. We quote from the BAJA ROOTER Plumbing Report dated April 4, 2022:

"Cabled main line through clean out (paper wipes pull out from line) all the way to street "

We spoke with both Angel and you regarding the wet wipes we had observed in your joint bathroom. Angel clearly confirmed that he does not use wet wipes. You stated to us that you do use wet wipes, but you denied that you flush them down the toilet, although the plumbing company had determined that the wet wipes came from your bathroom. Subsequently, the only plumbing failure at the house was due to your abuse of the plumbing -we had repeatedly informed you and all of our tenants not to flush baby wipes down the toilet since they are not biodegradable and will clog the plumbing drains every time. Regarding the roaches, we found upon inspection that you had left 2 paper bags full of food remnants and other trash in the area next to the clothes dryer and fridge, as well as empty cartons. The roaches were coming to eat the trash in the bags and the glue that binds the cartons. In the living room next to the fireplace, we found numerous paper bags with empty soft drink cans and food

remnants in them as well, and the roaches were also coming to eat the food remnants and the sugar remnants in the cans. We showed all these items and trash to Annie when we were doing our inspection regarding the roaches and took digital pictures of all these items which are kept in our records for future reference. We have cleaned the house twice at our cost since your Move - In (in April and May 2022), due to the unclean conditions by you and other tenants as documented in our records. Section 6, Page 2, of your lease- "Residents Conduct", allows the Landlord to charge you trash and cleaning fees if you do not keep the premises in a good and clean condition. We also showed Annie a copy of the BAJA ROOTER report which stated that the baby wipes were the cause of the plumbing problems. We sent you and all the other tenants a text on APRIL 4, 2022, STATING ALL OF THE ABOVE- see copy under ADDENDUM 1. For you and/or your mother to now state that our property has problems with plumbing and roaches when you are the instigator of these problems and already have all the above information since April 4, 2022, is both completely untrue and contributing to you spreading distortion and misinformation for obvious reasons. We have not had plumbing issues at the house before or after the forecited April 2022 instance.

- Following this issue in April 2022, you decided to throw a party for your engineering fraternity (SIGMA PHI) at the house on Friday, May 13, 2022. You set up the party with your fraternity and organized all the party details, and were charging male party guests \$20.00 per person to attend the party as documented by your detailed texts under ADDENDUM 2. In this instance, you were violating our zoning as a residential property by charging money and using our property as a commercial venue. You were also charging for drinks, and the party may have involved underage drinking. Your texts contained details about the possibility of party attendees being pushed into the pool, which is a huge health and liability risk. We have received video footage of the aftermath of the party and the concomitant house conditions. Your roommates contacted us to complain regarding the party and its aftermath, and the extremely deplorable conditions of the 2 bathrooms on the second and third floor used by your fraternity members and their invitees during the party. Your roommates reported to us that both bathrooms were extremely filthy, and that the toilets were backed up with feces and vomit subsequent to your party. The roommates stated that you were refusing to clean either the house or the toilets after the party and sent us pictures. They were concerned about contamination and the dangerous health exposures associated with the condition of the 2 toilets which they could not use. Please see ADDENDUM 3 for the texts.

- We recently became aware of further details regarding the 5/13/2022 party: there were over 70 people at the party that were mostly members of your fraternity - SIGMA PHI. Your fraternity invited all of its members as well as sorority members to the party. The situation got out of hand, there was a major fight between 2 male individuals at the party, the neighbors filed a noise complaint, and the San Diego Police came to the house late at night to investigate both the noise and the altercation. We are contacting the San Diego Police Department to obtain a copy of the Police Report related to all these events, to clarify and further examine all the details and the accountability consequences regarding these serious incidents.

-We had a meeting with the City inspector at the house on Wednesday, May 25, 2022. They came and inspected the entire house with us and a Licensed Contractor, and documented all conditions. During this inspection, the inspector informed us that you had violated the City code by installing electric party lights over and above the pool during and after your party, which can cause electrocution and even death if the lights fall into the pool and electrocute someone in the pool area. You had also installed hundreds of electric party lights around the pool perimeter and on the pool railings, further endangering yourself as well as your roommates and the party participants. The inspector stated that this was explained to you as well when they inspected the house in May 2022. We had to remove all your electric party lights from the pool/backyard area per the inspector's request. On May 22, 2022, we asked DCS BUILDERS, Inc., an established LICENSED GENERAL CONTRACTOR, to conduct a thorough inspection of the house including all occupied tenant rooms and the common areas. They checked all plumbing systems, electrical systems, the pool, and the heating system. All systems were working fine and no problems whatsoever were detected. See copy of the DCS BUILDERS, Inc., CONTRACTOR INSPECTION REPORT under ADDENDUM 4 for your reference.

-We are aware of the negative online reviews posted by your mother Connie Lafuente, who is not our renter and with whom we had never interacted at any point until you came with her to our office when you requested to meet with us on May 20, 2022. We now understand that you and your mother attempted to entrap and extort us by harassing us, screaming and pressuring us to sign certain unidentified documents, and your mother illegally recorded the meeting and took pictures of us without our consent in a pre-meditated attempt to extort us. It is illegal in California to record or take pictures of any individual without their prior consent, especially when this occurred on our private property. It is further illegal to post pictures or likeness of a person online when the person has not given you their prior express written consent to post such images. We would like to inform you that we immediately filed a police report with the Police Department regarding your actions as soon as you and your mother left our office on May 20, 2022. We have also tracked all of your online postings including our pictures and have fully documented your online harassment in our files. If you think you can spread falsehoods online about us and our business without accountability, you are completely mistaken. We are now addressing your online harassment, extortion, defamation, and other issues through the proper channels. The misinformation and fabrications contained in your postings will be addressed as well. Rest assured that you will have to answer to the truth and the consequences of your false statements. We will handle this matter professionally and properly, and will not call you names or insult you as you have done. However, be aware that your online harassment, illegal and unauthorized postings of our pictures without our consent, and attempts to defame our reputation will be properly addressed.

-You state in your postings that we do not give security deposits back to our tenants . This is completely erroneous, and you do not know any of these details of our interactions with others , the documentation we have in each instance, the specific situation, how much these tenants received as security deposit refunds , etc. In all of these instances, the tenants had received invoices and receipts explaining any deductions as required by law. For your information , we keep an extensive TENANT EVALUATION AND FEEDBACK BOOK in our office. This book contains numerous evaluations of our tenants' experiences with us and our housing accommodations written by real tenants who lived with us for long periods of time , not by hate speech commentators and fabricators of information .

- In this respect , we find it interesting that you take liberties to spread hate speech and misinformation about others on the internet when you blatantly violate the law , cause havoc at the house necessitating police involvement , foster a chaotic party environment that results in physical fights between party attendees, disrespect your roommates , throw unallowed parties at the house that may involve underage drinking, violate noise ordinances , expose others to the danger of electrocution , cause unhealthy conditions including viral contamination risks during the COVID -19 PANDEMIC , and repeatedly cause bathroom plumbing backup problems . Some of your roommates have also made other complaints about comments you made to their girlfriends and women guests. Please note that we have documented the above instances in our files with texts , digital pictures, and party video footage.

In summary , by ignoring significant relevant data , manipulating information, and distorting the facts ,you are attempting to threaten, harrass , and intimidate us . Please be aware that we do not respond to threats, harassment, or extortion. We have full documentation, some of which detailed in the attached Addenda , and the individuals who carried out work at the house are ready to attest to their work and observations at any point. There is also extensive additional written and digital picture documentation backup. PSH Development, LLC, fully reserves its rights to exercise a range of possible legal options in consultation with legal counsel.

You have now been fully informed. If you communicate with any other parties regarding any of these issues , please make certain that you communicate this entire documentation packet and all the attached Addenda to them , because we will .

Thank you.

PSH Development, LLC.