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City Attorney Takes Action to Shut Down COVID Party Airbnb *Bankers Hill neighbors plagued by loud parties in illegally modified rental*

San Diego City Attorney Mara W. Elliott today filed a civil enforcement action to shut down a Banker's Hill short-term vacation rental property located at 2970 2nd Avenue. The complaint alleges that Defendants are maintaining a public nuisance and engaging in unfair competition. The rental continues to operate in violation of state and county COVID-19 public health orders.

Citing more than 20 violations of state and local laws, City Attorney Elliott is seeking civil penalties and a permanent injunction against property owner David Contreras Curiel and property manager Alexander Mendez.

The case was referred to the City Attorney's Office by the San Diego Police Department, which has received more than a dozen complaints from neighbors of raucous parties at the rental. A number of the calls for service occurred while restrictions on public gatherings were in effect due to the pandemic.

Defendants have refused to schedule property inspections with City inspectors, once offering the excuse that a rental occupant had tested positive for COVID-19.

"From packing a party house during a pandemic to illegally renovating an entire property, the conduct of the defendants in this case is egregious and unacceptable," San Diego City Attorney Mara W. Elliott said. **"No neighborhood should have to put up with such dangerous behavior."**

The Airbnb listing reads: *"The Ashley-Your Private Oasis Next to Downtown"* accommodating 12 guests in a five bedroom and four-bathroom home with an indoor/outdoor sound system, jacuzzi, pool and BBQ, from \$800 per night. Despite charging upwards of \$800 per night, Defendant Curiel failed to pay the required taxes and fees to operate such a business. He never obtained the required Business Tax License or Transit Occupancy Tax Certificate, did not pay the Rental Unit Business Tax, and disregarded bills for the water and sewer services provided to the property by the City.

The property had been illegally modified numerous times. The building code violations include:

- converting the garage into an illegal second dwelling with a full kitchen and bathroom without permits;
- installing an in-ground pool without permits;
- installing an in-ground jacuzzi, gas-line, and firepit without permits;
- construction of two additional bathrooms without required permits;
- installing interior lighting circuits, electrical outlets, HVAC system, and water heaters without permits;
- making extensive electrical and mechanical modifications to the kitchen without permits;

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- obstructing emergency escape and rescue by converting the den into a bedroom without permits; and
- installing a patio structure outside property boundaries.

This case is part of the City Attorney’s broader effort to crack down on nuisance properties, including sub-standard independent living facilities, that threaten public health and safety.

The City Attorney’s complaint cites multiple violations of the California Business and Professions Code, California Code of Civil Procedure, and San Diego Municipal Code and seeks to prohibit Defendants from engaging in unfair competition and from maintaining illegal building modifications and a public nuisance property that endangers the public, safety, and welfare of the citizens of San Diego. The City Attorney’s Office is also pursuing civil penalties, investigative costs, and other equitable relief for Defendants’ violation of the law.

Existing state and local laws were used to address this property while the City Attorney’s Office awaits the adoption of clear short-term rental regulations by the Mayor and City Council.

The civil enforcement action was filed on behalf of the People of the State of California and The City of San Diego by Deputy City Attorney Paul F. Prather of the City Attorney’s Office Nuisance Abatement Unit (NAU). NAU works with the Code Enforcement Division of the City Development Services Department, the San Diego Police Department, and other local agencies and the community to identify and address problem properties.



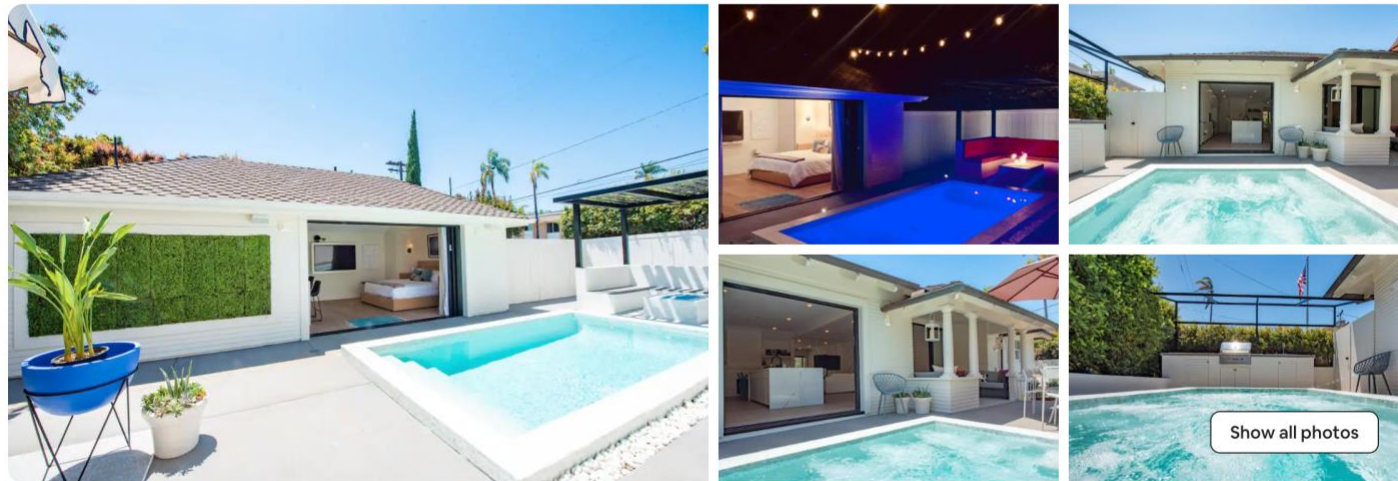
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The Ashley - Your Private Oasis Next to Downtown

★ 4.88 (25) · Superhost · San Diego, California, United States

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Entire house hosted by Curiel Collection

12 guests · 5 bedrooms · 6 beds · 4 baths



\$930 / night

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