

# city of san luis obispo

990 Palm Street, San Luis Obispo, CA 93401-3249

January 4, 2010

Stephen Barasch

San Luis Obispo, CA 93401

Dear Mr. Barasch:

Please accept this letter as confirmation that this office has reviewed the City code compliance issues related to your property at 520 Grand Avenue in San Luis Obispo. This letter will confirm that there was no final determination by the City that your property was unfit to occupy and, accordingly, your property was not posted as such. In order for such a posting to occur, there would be additional procedural steps required prior to the issuance of a formal Notice and Order that the property was unfit for human occupancy.

There seems to have been some confusion regarding the effect of a December 11, 2009 letter from Code Enforcement Officer Greg Cruce. That letter was intended to provide you with notice that conditions specified in the International Property Maintenance Code and rendering a property unfit for habitation were found to exist and to provide you the requisite opportunity to cure those conditions. The notification letter was not intended to, and legally could not, constitute a final Notice and Order regarding the property. The letter stated that "...code violations were found deeming this structure unfit for human occupancy as specified by section 108.1.3 of the International Property Maintenance Code." The letter goes on to "...request that you voluntarily take action to comply with the City's ordinance requirements ... no later than 12/30/2009...", in order to avoid the need for further enforcement action. That code section cited, as adopted by San Luis Obispo Municipal Code Section 15.02.010, provides as follows:

A structure is unfit for human occupancy whenever a code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

While the notification letter sent to you noted the existence of specified conditions in violation of the code at the time of inspection, you have subsequently provided documentation that the property maintenance issues were addressed in a timely manner. Accordingly, the City did not proceed with the process to post the property unfit for human occupancy and has not determined that any further enforcement action is warranted at this time.

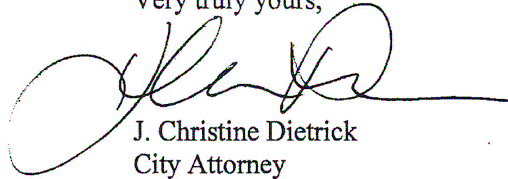


The City of San Luis Obispo is committed to include the disabled in all of its services, programs and activities. Telecommunications Device for the Deaf (805) 781-7410.

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Staff will endeavor to modify the wording of its violation letters to minimize the potential for confusion in the future. Please feel free to contact Tim Girvin or me if you should have any further concerns regarding this property or the status of any City enforcement action.

Very truly yours,



J. Christine Dietrick  
City Attorney

JCD/cp

cc: Greg Cruce  
Mark Sadowski  
Tim Girvin