

city of san luis obispo

990 palm street, san luis obispo, ca 93401-3249

CLAIM FILED AGAINST THE CITY

DATE: March 22, 2010

TO: Department Contact – Ryan Betz
 City Attorney – Christine Dietrick
 Claims Administrator – Carl Warren & Co.

FROM: Nickole Sutter, Human Resources

RE: Name of Claimant: Stephen B & Janine N Barasch dba Grand Ave. Properties
Claim #: 10-11
Incident Date: 11/1/2009
Incident: PD
Location: 520 Grand Ave.
Claim Amount: \$10,000
Claim Received: US Mail – postmarked
 Hand-delivered 3/22/2010

CITY/AGENCY INVOLVED IN THE CLAIM:

- | | | | | |
|---|---|--|--|---------------------------------------|
| <input type="checkbox"/> Administration | <input type="checkbox"/> Animal Control | <input type="checkbox"/> City Attorney | <input checked="" type="checkbox"/> Community Dev. | <input type="checkbox"/> Fairgrounds |
| <input type="checkbox"/> Fire | <input type="checkbox"/> Parks & Recreation | <input type="checkbox"/> Police | <input type="checkbox"/> Public Transit | <input type="checkbox"/> Public Works |
| <input type="checkbox"/> Refuse/Trash | <input type="checkbox"/> Utilities | <input type="checkbox"/> Third Party _____ | | |

REPLY: **Community Development Department please investigate and indicate approval/denial. Please send results to nsutter@slocity.org. If you have any questions, please call Nickole Sutter at 805.781.7250. Thanks!**

cc: Greg Zoher, Claudia Prows



city of san luis obispo
 office of the city clerk

MAR 22 2010

Received
 Dept. of Human Resources
 City of SLO

CLAIM PRESENTED TO THE CITY OF SAN LUIS OBISPO

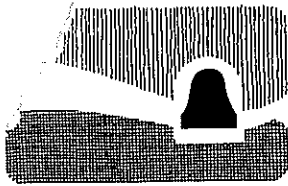
PLEASE READ THE INSTRUCTIONS ON THE BACK BEFORE COMPLETING.

1 Claimant's Name (please print) STEPHEN B & JANINE N. BARASCH dba GRAND AVE. PROPERTIES		10-11 Claim No.
Address 1697 SYDNEY STREET - SAN LUIS OBISPO, CA. 93401		
Day Phone (805) 544-2600	Evening Phone (805) 542-0708	
2 When did the damage or injury occur? DURING THE PERIOD OF 12/10/09 TO 12/23/09 - (DECEMBER 10 & DECEMBER 11, 2009 SPECIFICALLY)		
3 Where did the damage or injury occur? at 520 GRAND AVENUE HOUSE in SAN LUIS OBISPO, CA 93405		
4 What happened and why do you think the City is responsible? DURING THE HOLIDAY SEASON TWO (2) CITY EMPLOYEES PERFORMED AN INSPECTION OF 520 GRAND AVE AT THE REQUEST OF THE TENANTS WHO THEN WROTE & DISTRIBUTED MULTIPLE LETTERS WITHIN APPROXIMATELY 16 HOURS DECLARING THE CLAIMANTS PROPERTY "UNFIT FOR HUMAN OCCUPANCY" BASED ON MINOR ALLEGED CODE ISSUES THEREBY GIVING THE TENANTS A PERCEIVED REASON TO VACATE THE PREMISES WITHOUT CONTRACTING THE PROPERTY OWNERS WHO WERE OUT OF THE COUNTRY WHILE LEAVING THEIR APPROPRIATE EMAIL CONTACT INFORMATION WITH THE PROPERTY TENANTS AND THEIR PARENTS WHO KNEW HOW TO CONTACT THE CLAIMANTS.		
If applicable, identify the name and position of responsible City employee(s), if known. • MR MARK SADOWSKI, Replacement Field Inspector & • MR. GREG CRUSE, Code Enforcement Officer		
5 What damage or injury occurred? THE CLAIMANTS WERE DEPRIVED OF THEIR LEGAL RIGHTS TO ADDRESS AND/OR PROVIDE PROOF OF ANY ON GOING WORK TO THE PROPERTY WITHIN THE ALLOWED STATUTORY TIME FRAMES THEREBY CAUSING MAJOR MONETARY LOSSES		
6 Claim Amount \$ 10,000.00 only if less than \$10,000		
7 How did you arrive at amount claimed? Please attached documentation. THE CLAIMANTS LOST JAN 2009 RENT OF \$3800 PLUS SEVEN (7) MONTHS OF LOST RENT OF \$550/MONTH OR \$3,850 (THE DIFFERENCE OF THE ORIGINAL RENT VS THE NEW RENT PAID BY THE NEW SUCCESSOR TENANTS) PLUS ATTORNEY FEES IN EXCESS OF \$3000+.		
8 I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on Stephen B Barasch / Janine N Barasch March 22, 2010 San Luis Obispo, California Signature of Claimant or Representative Date Place		

OFFICIAL NOTICE AND CORRESPONDENCE

If represented by an insurance company or an attorney, please provide the information requested below.

Name and Capacity (please print)	RECEIVED
Address	MAR 22 2010
Day Phone	EVENING PHONE SLO CITY CLERK



City of San Luis Obispo

Community Development Department • 919 Palm Street, San Luis Obispo, CA 93401-3218

12/11/2009

BARASCH STEPHEN B TRE ETAL
1697 SYDNEY ST
SLO, CA 93401 4655

SUBJECT: Notice of Code Violation(s) at 520 GRAND San Luis Obispo, CA

Dear Mr. Barasch,

On December 10, 2009, City of San Luis Obispo Community Development Department staff inspected property you own at 520 GRAND and noted that numerous code violations were found deeming this structure unfit for human occupancy as specified by section 108.1.3 of the International Property Maintenance Code.

Please be aware that the situation described above constitutes a public nuisance as defined by the San Luis Obispo Municipal Code and appears to violate regulations including, but possibly not limited to, the following code section(s):

IPMC 602 Heating Facilities – Repair heaters within 72 hours.

IPMC 704.2 Smoke Alarms – Must be made operational a.s.a.p.

IPMC 504.3 Plumbing System Hazards – Repair cracked shower pan and sink in north bathroom. (Permit required)

IPMC 304.7 Roofs and Drainage – Repair all roof leaks. (Permit may be required)

IPMC 308.1 Infestation – Verify infestation of rodent is irradiated.

We request that you voluntarily take action to comply with the City's ordinance requirements by obtaining a Code Correction Permit (which may include submitting specific plans) no later than 12/30/2009. Unless otherwise approved, the Code Correction Permit is valid for 90 business days. Failure to comply by the above-stated date will result in further enforcement action including, but possibly not limited to, a City-mandated \$301.20 Code Enforcement action fee.

You will need to contact our Building & Safety Department at (805) 781-7180 by 12/14/09 to schedule an inspection to verify the heater has been repaired. At this time, they will be able to inform you of permit requirements including plans and possible options regarding the scope of your project.

Listed below are the types of enforcement measures that we may take:



1) Issue an Administrative Citation: If you fail to voluntarily comply, all persons with interest in the property will be subject to a daily fine starting at \$100.00 and increasing to \$500.00 for each violation. (See enclosure).

2) Seek an Injunction: The City of San Luis Obispo may seek a court order which will require interested parties to comply with City laws, be liable for civil penalties of \$250.00 per day and pay all costs including attorney fees to ensure the public nuisance is abated.

3) File a Criminal Complaint: Each violation constitutes a misdemeanor and carries a maximum penalty of six (6) months in jail and a \$1,000.00 fine for each day the violation exists.

If you have questions for me, or would like to set up an appointment, please call me at (805) 781-7588.

Sincerely,



Greg Cruce
Code Enforcement Officer

cc: File, Front Counter Code Enforcement Binder.

Enclosures: Inspection Report, Photo(s), Administrative Citation Brochure

City of San Luis Obispo
Investigation Report

By: Mark Sadowski

Subject: 520 GRAND /complaint

Date: 12/10/2009

"The violations listed herein are those that were observed at the time of this inspection and do not include violations which may have been overlooked, concealed, or which become evident when work is begun."

Result: Visited site 12/10/09 and met with tenants to discuss alleged violations of rat infestation and sub-standard heating. The floor furnaces at the front entry as well as the southern hallway were not operating with the adjacent thermostats. In addition, the floor furnace in the southern hallway was covered in excessive lint and debris which poses a fire hazard. There is evidence of a potential rat infestation as I discovered feces, urine, and fur in various locations of the house. The violations noted at the time of my inspection are as follows:

1. Substandard, non-operational heating.
2. Apparent rat infestation.
3. Water heater recently replaced without a permit.
4. Water heater t&p valve does not discharge to the outside.
5. Smoke detectors in the southern hallway and adjacent to the northern bedroom are not functioning when tested.
6. Rain water leaking through ceiling in north bedroom corner over bed.
7. Cracked shower pan in northern bathroom allowing water into sub-floor area.
8. The northern bathroom sink is not properly secured to the wall.

As a result of the findings of this investigation, it is determined that the structure is unfit for human occupancy as specified by Section 108.1.3 of the International Property Maintenance Code. The heating system must be repaired or alternate means of heat provided to the residents within 72 hours of notice issuance. In addition, the apparent rodent infestation must be addressed within 1 week and a report submitted by a licensed exterminator stating that the rodents have been eradicated. A code correction permit will be required to complete the repairs specified above.

Notes: Photos taken 12/10/09