

RESOLUTION NO. _____ (2025 SERIES)

**A RESOLUTION OF THE CITY COUNCIL OF SAN LUIS OBISPO,
CALIFORNIA, FORMALIZING THE CITY'S PROCEDURES FOR
ISSUING INFORMAL AND FORMAL NOTICES TO CORRECT
SIDEWALK AND FRONTAGE IMPROVEMENT DEFICIENCIES**

WHEREAS, Section 12.16.020 of the San Luis Obispo Municipal Code incorporates Division 7, Part 3, Chapter 22 of the California Streets and Highways Code, which establishes the responsibility of property owners to maintain sidewalks and frontage improvements adjacent to their property in a safe condition; and

WHEREAS, the City of San Luis Obispo has adopted a Sidewalk Inspection Program and developed a structured process to notify property owners of unsafe sidewalk or frontage conditions and to encourage voluntary compliance through an informal process before initiating formal procedures under state law; and

WHEREAS, the City's informal process includes the issuance of at least two Informal Notices to Correct (NOCs) which outline recommended corrective timelines and encourage communication and flexibility, followed by a presentation to City Council if voluntary compliance is not achieved; and

WHEREAS, under the Streets and Highways Code §§ 5610–5618, once a Formal Notice to Correct is issued, property owners have 14 days to commence repairs, after which the City is authorized to complete the work and pursue cost recovery if the property owner fails to act; and

WHEREAS, City Council support is sought to initiate the formal process for properties that have failed to respond to informal notices and to direct staff to complete repairs and initiate cost recovery proceedings if necessary; and

WHEREAS, the sidewalk deficiencies on the subject properties pose risks to public safety and have not been remedied despite multiple efforts at outreach and accommodation by City staff.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Findings. The City Council finds that the informal process described in the staff report, including issuance of two Informal NOCs and efforts to achieve voluntary compliance, constitutes a reasonable and necessary local practice to encourage cooperation and provide flexibility to property owners while maintaining public safety.

SECTION 2. Authorization of Process. The City Council hereby affirms the City's two-phase process for correcting sidewalk and frontage improvement deficiencies:

- *Informal Phase:* Proactive inspections, initial and second Informal Notices to Correct, outreach to property owners, and allowance for voluntary correction within a structured timeline.
- *Formal Phase:* If no corrective action is taken, issuance of a Formal Notice to Correct pursuant to Streets and Highways Code §§ 5611–5614, execution of repairs by City staff or contractors if repairs are not initiated within 14 days, and initiation of cost recovery through public hearing and special assessment as permitted under §§ 5616–5629.

SECTION 3. Waiver Provision. The Public Works Director is authorized to waive issuance of a Formal Notice to Correct if the property owner takes corrective action before the notice is formally issued.

Upon motion of _____, seconded by _____,
and on the following roll call vote:

AYES:

NOES:

ABSENT:

The forgoing resolution was adopted this _____ day of _____ 2021.

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington, City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick, City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington, City Clerk

R_____