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May 10, 2011

Ms. Pat Colby
849 Almar Avenue, Suite C-242
Santa Cruz, California 95060

RE: The John Stewart Company / Mission Gardens

Ms. Colby:

I write regarding your recent correspondence directed to Mari Tustin, of The John Stewart Company, regarding your concerns about second hand smoke at Mission Gardens. Your April 27, 2011, correspondence identifies a series of concerns. At the outset, we hope you will appreciate that we take your concerns seriously and have been involved in an ongoing effort to terminate smoking activity at Mission Gardens.

Based on our review of your file, you requested and were provided a transfer to your current unit, which is next to a public sidewalk. Additionally, you requested, and received, accommodation by moving the location of your parking space to be closer to your unit. Here, again, your request for accommodation was met.

As you know, the Mission Gardens property has been designated "no smoking" throughout the property. Management has placed "no smoking" signs throughout the property. Management and staff consistently monitor the premises for smoking activity. Additionally, when a complaint is received, management quickly investigates and, as appropriate, provides warnings. If violations are ongoing, the tenancy will be terminated consistent with applicable law. Again, we take smoking violations very seriously.

However, we are unable to assure that each and every resident and their guests will honor the no smoking policy. We have no way of policing each and every resident, and their guests, 24 hours a day, 7 days a week. Again, if you have concerns regarding any particular resident or their guests smoking on the premises, please let us know and we will diligently investigate the

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matter. Input from residents is one of the best means of gathering data, and we will continue to encourage complaints and comments.

Regarding enforcement and monitoring, the onsite property manager lives almost directly across from your unit and over the last year has not witnessed any smoking activity near your car, as you have indicated. The site manager will continue to be on the lookout for such activity and if such activity is observed it will be addressed, promptly.

Responding to your specific requests, we have agreed to place additional signage throughout the property and a "No Smoking Property" sign at the entrance. This signage is already on order.

We have refrained from designating a smoking area, because the property is designated, in its entirety, as non-smoking. We do not believe the creation of a smoking area will be beneficial for you, or any other residents. Again, with respect to information received from residents, the non-smoking status of the property does not require residents to complain about other residents, but we continue to invite information from any resident regarding any violations, including smoking.

While we appreciate your suggestion for installation of "electronic smoke monitors" in each apartment throughout the property, we respectfully decline that request based on our belief that the expenditure of resources and time would render the approach unreasonable. This is especially true given the minority of residents who smoke. Regarding security cameras, we do not believe the installation of security cameras throughout the property would be a reasonable response to the smoking issue. We have received a relatively modest number of complaints and concerns regarding smoking and believe the current policy is both reasonable and appropriate.

Again, Ms. Colby, if you have information regarding smoking on the part of any resident or guest please notify us immediately and we will pursue the matter. We regret that you continue to experience health concerns and can assure you that we share your view that second hand smoke is no laughing matter. We are happy to remain available to discuss the matter, should you wish to do so. Likewise, we are looking forward to receipt of any further information regarding smoking or other activities in violation of the Mission Gardens lease or house rules.

Very truly yours,



NATHAN C. BENJAMIN

NCB/ab
cc: client
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