

August 21, 2012  
P.O. Box 930  
Tracy, CA 95378

TO: Mayor Brent H. Ives  
Mayor Pro Tem Michael Maciel  
Council Member Bob Elliott  
Council Member Robert Rickman  
Council Member Steve Abercrombie



Dear Mr. Mayor and Councilmembers,

Regretfully, I only learned of this matter on the agenda this morning. If the staff truly believes that the city should commit itself to such overreaction why not set up a meeting with the affected 14 property owners. Instead, under "Outreach Efforts" on page 3 there is only a description of a meeting with the Association of Realtors and with the city's own *internal* team. A thank you to the individual who did contact me.

I urge the City to not expand *on a pretext of safety* to intrude on the private property rights of owners *to require* that structures, or even raw land, be used for what the city bureaucracy surmises is its highest and best use consistent with zoning.

The staff reports uses language which is somewhat emotionally charged but often has little to do with "public safety" (not to be confused with public sentiment). Some examples include:

- sense of blight;
- unsightly;
- a place for rodents to nest;
- lack proper attention;
- insecurity of nearby residents;
- targets of illegal dumping;
- deteriorate neighborhood values;
- meeting with Realtors; and
- quality of life issues.

The report before you this evening is devoid of meaningful and supporting statistics, or even specific and accurate anecdotal instances, regarding the mere 14 buildings in all of Tracy that have open or boarded windows.

What does the city want?

- Having imposed a vigorous boarding ordinance years ago do you now want the boarding removed in favor of glass in the alleged interest of safety?? That is a move in the wrong direction in terms of security.
- Or is the city really trying to force its view of the highest and best perceived use, and woe to anyone with an office building, residence, commercial or industrial property who is not crammed with human occupancy or high use. What about the West Side Market? It would appear that the effort to move people whom the city felt were undesirable has left us with a now long vacant downtown storefront.

I urge the city to address any truly "safety" issues as, when, and if(?) they arise on a case-by-case basis. IF a case for public safety violations - to the extent of rising to the level of a nuisance - can(?) honestly be made, then pursue it. Do not allow the city to step on the slippery slope of allowing "feel nice" and "aesthetic" goals of the administration to impose more "easy fix" tools on local citizens and property owners.

Even the city's own report itself recognizes specifically that it already has existing tools such as receivership to address properties that are truly imminent dangers to the community - and lists examples.

What if the property owner simply does not want to have his or her property occupied or wants the property for his or her otherwise legitimate and legal uses for storage or casual visit? Staff's proposal that such rights of a private property owner should be eliminated in favor of two choices:

- demolition to a bare ground lot; or
- total rehabilitation "...in accordance with all applicable codes and regulations..." up to the highest and best use allowed by zoning and regardless of cost and regardless of whether the owner's desired legal use of the property produces revenues to fully cover these costs. Thereafter, if neither "choice" is elected, the city's proposal is to turn any perceived "failure" to meet these aesthetic/"safety" requirements into a revenue generator for the city's coffers.

In analyzing the staff report it appears to me that having imposed very vigorous boarding standards several years ago - which in my observation have not been very vigorously enforced - and which in themselves did not succeed in making the properties look exactly like the houses of the city staffers - their issue really is more about the aesthetics of boarding than safety. A window that is boarded up to somewhere approaching the city-imposed standard is far more safe and secure than one with only glazing.

Sincerely,



Guy C Burns