



February 2, 2016

**VIA E-MAIL**

[council@ci.tracy.ca.us](mailto:council@ci.tracy.ca.us)

Hon. Michael Maciel and City Council Members  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

Re: *February 2, 2016, City Council Meeting*  
*Agenda Item #1F – 10-Day Report with respect to I-205 Interim Ordinance*

Dear Mr. Mayor and Council Members:

The Agenda for tonight's City Council meeting includes an item on the consent agenda for the acceptance of a "report" describing the measures the City is taking to address design and land use concerns along the I-205 Corridor. When the City Council adopted the Interim Ordinance at its January 5, 2016, meeting, we submitted a letter objecting to the Ordinance due to the impact it would have on our property at 1535 E. Pescadero Avenue. We reiterate those objections tonight and refer you back to our January 5<sup>th</sup> letter. We also have concerns about the "report" on tonight's consent agenda.

First, we object to the Council's inclusion of the report on the consent agenda, rather than taking it up as an independent item on the regular agenda. California Government Code Section 65858 requires the Council to "issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance." We contend the Council's adoption of the staff report by consent and without discussion would fail to meet the Council's statutory obligations—especially given the substantial objections raised by landowners in the area impacted by the Interim Ordinance.

Our second concern is with the substance of the report itself. It appears the only report to be issued is the list of "City steps being taken to address the I-205 Corridor" as set forth on page 2 of the agenda item. However, a review of the "steps" indicates the City has really done very little to address the concerns the Interim Ordinance was intended to address—and has done nothing at all since the Interim Ordinance was adopted.

The five steps listed in the report are as follows: (1) review the existing General Plan designations along the corridor; (2) review the existing zoning designations along the corridor;

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(3) review the proposed new Design Guidelines; (4) review the Economic Forecast of demand for retail land use; and (5) research and review various land use regulations for possible applicability to the I-205 Corridor. All of these steps took place well before the Interim Ordinance was adopted on January 5<sup>th</sup>. The text of the Interim Ordinance itself indicates the City Council had already reviewed the General Plan, the existing zoning designations, the proposed Design Guidelines, the Economic Forecast, and possible zoning alternatives. None of the steps indicated in the report are new.

This issue has obviously been under discussion for many months with little apparent progress. The Interim Ordinance was adopted on January 5<sup>th</sup> for the specific purpose of delaying the development of a portion of our property so the City Council can change the rules of the game to make that development more difficult, if not impossible. In two weeks, we expect you will consider extending the Interim Ordinance further—until early 2017. In the meantime, our property and its potential development have been held in limbo and that uncertainty would continue if the extension is approved.

For these reasons, we ask that you reject the proposed “report” and allow the Interim Ordinance to expire. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Christopher J. Masoner". The signature is fluid and cursive.

Christopher J. Masoner  
Counsel  
Chris.Masoner@yrcw.com

cc: Dan Sodergren, City Attorney, via email  
Nora Pimentel, City Clerk, via email  
Stephen Cassidy, Pepple Cantu Schmidt PLLC, via email