

**From:** Patricia Colby <meka@baymoon.com>  
**Subject:** **Plea to stop Mission Gardens smokers from killing me!**  
**Date:** May 16, 2011 4:01:48 AM PDT  
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▶ 3 Attachments, 6.1 MB

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May 11, 2011

**Santa Cruz City Council**

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re: **Plea to stop Mission Gardens smokers from killing me!**

Dear Santa Cruz City Council:

I am writing to request that the City of Santa Cruz fulfill its obligations under the HOME regulatory agreement with the owners of the Mission Gardens Apartments, and also under local, California and federal laws to require Mission Gardens owners' managing agent The John Stewart Company (JSCO) to fulfill my request for an immediate accommodation for the murderous effects of Mission Gardens smokers' secondhand tobacco smoke (SHS) upon my disabilities, most notably my chronic asthma. **In short, JSCO is allowing a small gang of recalcitrant Mission Gardens smokers to smoke me to death in my HOME unit.**

Your council, the City Attorney, the City Manager, the City RDA Director, the City Housing Programs Manager and the City Housing Programs Coordinator have all been made aware of my plight with Mission Gardens smokers' SHS around my car and my apartment, and my request for an immediate accommodation to JSCO Senior Vice President Mari Tustin for the effect of this upon my disabilities. I explained how more than two years ago, JSCO promised their smoking ban as the accommodation for my request regarding the effects of former neighbor Ina Coronado's SHS upon my disabilities. This was not the accommodation I requested. Worse, by presenting this smoking ban as an accommodation to me, JSCO turned a small gang of angry smokers, perceiving that I had taken away their "smoking rights", against me with harmful intent. Now more than two years later, I still suffer from exposure to SHS. Specifically, this gang of smokers is smoking around my car and my apartment, with their SHS entering my apartment through my windows, door frame cracks, air vents and into my car.

I just recovered from pneumonia after first suffering back to back bronchial/sinus/ear infections. My physicians fear I will become resistant to the few antibiotics still available to treat me for these illnesses. My allergist recommended that I wear a breathing mask in my apartment to reduce my exposure to SHS entering it.

**JSCO is responsible for this gang of smokers trying to harm me with their SHS as hate crimes based upon my disabilities.**

After receiving denials to my most recent immediate accommodation request to Ms. Tustin from JSCO Regional Manager Maya Powis, and more recently from their attorney Nathan Benjamin, I am desperate to preserve my health. **I don't want to die from SHS at Mission Gardens!**

**Consequently I come to you, requesting that you act under your legal obligations as the HOME administrator for Mission Gardens, and under local anti-discrimination and non-smoking ordinances to force the owners of Mission Gardens to require JSCO to fulfill my immediate accommodation request to Ms. Tustin, along with several additional requests.**

All of this is described in my eleven page letter to your council, attached as a PDF. Also attached is an article from the Santa Cruz Sentinel newspaper describing the lax enforcement of a smoking ban by JSCO at the San Lorenzo Park Apartments, and the latest denial of my accommodation request to Ms. Tustin by JSCO attorney Nathan Benjamin.

Please read these documents closely. **I am desperate. I am also terrified. JSCO is not going to stop these smokers from killing me without the intervention of the City of Santa Cruz.**

I appreciate your prompt attention to my requests. Please have all correspondence/contact on this matter directed to my brother John E. Colby, who is my designated representative in this.

Sincerely yours,  
Patricia E. Colby

email C/O John E. Colby: [colby@docktorcat.com](mailto:colby@docktorcat.com)  
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849 Almar Avenue, Suite C-242  
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**My May 15, 2011 letter to the Santa Cruz City Council to stop smokers from killing me!:**



[SCC Council....pdf \(5.2 MB\)](#)

**Santa Cruz Sentinel article about lax JSCO enforcement of a smoking ban at the San Lorenzo Park Apartments:**



[SC Sentinel ...009 \(198 KB\)](#)

**May 10, 2011 denial letter regarding my SHS accommodation request from JSCO attorney Nathan Benjamin:**



[Nathan Benj....pdf \(798 KB\)](#)

